The City Council of the City of Raleigh met in regular session on Tuesday, November 6, 1984 at 1:00 p.m. in the City Council Chambers of the Municipal Building, 222 West Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Mr. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend Murry DeHart of St. Mark United Methodist Church after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

BROOKHAVEN PARK - OFFER OF SPONSORSHIP - FUNDS ACCEPTED

Ms. Ginger Lockamy, President of the Junior Woman's Club of Raleigh, was at the meeting indicating they would like to sponsor the Brookhaven Park and have it renamed the Brookhaven-Junior Woman's Club of Raleigh Park. She indicated they have allocated $1,500 for this project and plan for it to be a "hands on" project for the club. She stated the initial work with the park will be designated as their community improvement program project and continued support for the park will come through their Conservation Department, one of whose emphases will be the park. Ms. Lockamy indicated the $1,500 check will be forthcoming. Mayor Upchurch accepted the check expressing appreciation to the Junior Woman's Club of Raleigh.

PROCLAMATION - SERVICE CORPS OF RETIRED EXECUTIVE MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming November, 1984 as Service Corps of Retired Executive Month in the City of Raleigh. He explained this is the 20th anniversary of SCORE. William L. Thompson, Chairman of the Raleigh Chapter of SCORE, accepted the proclamation indicating their organization stands willing to help entrepreneurs to establish a business, keep a business going, financing, etc. pointing out there is no charge for their service.

HUD - OUTSTANDING RESIDENT AWARD - JESSIE HIGHSMITH COPELAND HONORED

Mayor Upchurch indicated Mrs. Jessie Highsmith Copeland received an HUD outstanding resident award pointing out she was one of the few recipients of this award through the United States. He indicated Ms. Copeland has been a resident of assisted housing for over 33 years. He pointed out some of her accomplishments relate to her service on the Housing Authority Board of Directors, community clubs, DHIC, First President of the South Central CAC, etc. Mayor Upchurch commended Ms. Copeland for receipt of the award and expressed appreciation for her service to the City of Raleigh.

PRESENTATION - KEY TO THE CITY AWARDED TO WALTYE RUSULALA

Mayor Upchurch indicated Waltye Rusulala has recently moved to Cary. He indicated, during her residency in the City of Raleigh, Ms. Rusulala has made great contributions including serving as chairperson of the Arts Commission. He indicated Ms. Rusulala helped in the dedication of the Municipal Building by singing the National Athem. He presented Ms. Rusulala with a key to the City.

PROCLAMATION - ACADEMY OF WOMEN DAY PROCLAIMED

Mayor Upchurch read a proclamation proclaiming November 15, 1984 as Academy of Women Day in the City of Raleigh. The proclamation was received by Barbara Allen, YWCA Academy of Women Chairman. In accepting the proclamation, Ms. Allan expressed appreciation for the recognition and support of women in the City of Raleigh.

PERSONNEL - CITY EMPLOYEES - INTRODUCED

City Manager Benton introduced Benita Peyton, the new Cable Access Coordinator with the City of Raleigh and Carolyn Simmons, Employee Relations Officer with the City of Raleigh. In introducing these two new employees, City Manager Benton gave information on their background and anticipated duties with the City.

UNITED WAY CAMPAIGN - VOLUNTEERS AND CITY EMPLOYEES COMMENDED

City Manager Benton indicated each year the City participates in the United Way Campaign. He stated this program is a total volunteer effort and asked the employees who participated as volunteer coordinators to stand and be recognized. Z. Bryan Hill, Chairman of the City of Raleigh's United Way Campaign, indicated the campaign for 1984 was undertaken and did involve a number of volunteers. He explained the effort began in August with anticipated gift of $30,000 and 70% employee participation. He explained the total gift was $33,657.33 which is an increase of 29.9% over last year. He stated our employee participation went to 72.5%. Mr. Hill presented a Certificate of Giving to Ostroske, Chairman of the Wake County United Way Campaign. In accepting the Certificate of Giving, Mr. Ostroske commended the City of

Raleigh employees for their generous contribution, pointing out an informed giver is normally a generous giver. Mayor Upchurch, on behalf of the City Council, expressed appreciation to the City employees for their participation, pointing out he did not think that 72% of the City employees live in the City or County; therefore, many went beyond their call of duty in participating.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

The Consent Agenda was presented with Mayor Upchurch indicating all items are considered to be routine and may be enacted by one motion. If a councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Ms. Block requested that the encroachment relating to Winton Road be withdrawn, as well as Change Order G-1 relating to the Municipal Parking Building. Mr. Calloway requested that the item relating to free parking in City decks in connection with the annual lighting of the Christmas trees be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Ms. Cates moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - SANDCASTLE - APPROVED

This is a privilege license application for "Sandcastle," located at 420 Hill Street. The owner, William James Walton, is the individual making application. City Code Sections 2-2032 (2), (3), (5) and 12-2118 (3) require City Council approval before a license may be issued for dance hall, public club with live entertainment, classified as a class two entertainment center.

The Inspections and Police reports indicate approval.

Recommendation: It is recommended that this privilege license be approved. Consent Agenda approval: Cates/Calloway - 8 ayes.

PARK LAND - ACQUISITION AND ACCESS EASEMENT - AUTHORIZED

The Council has previously approved the acquisition of a .368 acre tract on the north side of the lake. In the pursuit of this acquisition, the need for an access easement across City property was considered and approved by the Real Estate Committee. Negotiations have now been completed which would provide for City purchase of the land for $12,500 and the City's granting of a 25 foot access easement from the proposed park service road off Avent Ferry Road to serve one single family residence.

Recommendation: That the City purchase the land in question and convey the access easement as described. Consent Agenda approval: Cates/Calloway - 8 ayes.

WEATHER SERVICE CONTRACT - AWARDED TO COMPUTER WEATHER, INC.

The City has historically retained a contract with a weather service to provide detailed adverse weather information. Proposals have been received and reviewed. Funds are budgeted.

Recommendation: That the City award the service contract to Compu-Weather, Inc., at a cost of $1,075. This is a different firm from the current one and a lower fee than currently paid. Consent Agenda approval: Cates/Calloway - 8 ayes.

PETERSON STREET HOUSING SITE - CONTRACT WITH BONEY AND ASSOCIATES - APPROVED - FUNDS APPROPRIATED

On October 16, 1984, the Council approved the firm of Boney and Associates to perform soil borings on a housing opportunity site. The agreement has been negotiated and a copy of the proposal was included in the Council Agenda packet.

Recommendation: That Council approve the contract and authorize the Mayor to sign and approve the appropriate transfer of funds.
Consent Agenda approval: Cates/Calloway - 8 ayes. See Ordinance 436 TF 8.

REHABILITATION WARRANTY - 201 BLADEN STREET - APPROVED

Additional work is required for this location at an estimated cost of $800. These funds are available in the current budget.

Recommendation: That approval be given to perform this rehabilitation warranty work at a cost not to exceed $800. Consent Agenda approval: Cates/Calloway - 8 ayes.

PARKING DECK - SALISBURY STREET - ADDITIONAL MONTHLY SPACES AUTHORIZED

In January, 1982, the City authorized monthly leasing of up to 30 spaces in the Salisbury Street Deck. These spaces are filled and there is interest in additional spaces for monthly rentals.

Recommendation: That the City Council authorize the City Manager to increase the number of monthly parking space rentals to 40 spaces. Consent Agenda approval: Cates/Calloway - 8 ayes.

THEATRE IN THE PARK - CONTRACT - APPROVED

Included in the Council Members' Agenda packet was an updated contract with Theatre In The Park for fiscal year 1984-85. The contract is similar to the existing document with the adjustment in the annual funding to reflect the current budget and the incorporation of the nondiscrimination clause.

Recommendation: That the contract be approved. Consent Agenda approval: Cates/Calloway - 8 ayes.

RALEIGH HOUSING AUTHORITY - RELOCATION CONTRACT - APPROVED

Each year, the City contracts with the Raleigh Housing Authority to provide housing relocation assistance when needed for City projects and the Housing Code Enforcement Program. Included in the Council Members' Agenda packet was a proposed agreement. Funds are budgeted.

Recommendation: That the agreement be approved. Consent Agenda approval: Cates/Calloway - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

The Agenda listed the following taxicab owner's permits which were approved on first reading during the October 16, 1984 Council Meeting. Administration recommends approval on the second and final reading. Consent Agenda approval: Cates/Calloway - 8 ayes.

The applications were as follows:

William R. Williams, Yellow Cab Company (Franchise Renewal)

Henry Benjamin Murray, Southern Cab Company (Franchise Renewal)

Irvin Eugene Doggett, Strop Taxi Company, Inc. (Franchise Renewal)

Johnnie M. Young, Young Taxi Company (Franchise Renewal)

William E. Blalock, Sr., Blue Diamond Cab Company (Franchise Renewal)

Charles Whitley Bobbitt, Blue Diamond Cab Company (Renewal of Individual Owner's Permit)

Walter Hill, III, Blue Diamond Cab Company (Renewal of Individual Owner's Permit)

Norman Mickens, Blue Diamond Cab Company (Renewal of Individual Owner's Permit)

Clyde Hood Johnson, Johnson Limousine Service (Franchise Renewal)

Ronnie Lee Haynes, Commuters Express, Inc. (Franchise Renewal)

Samuel James Jackson, Airline Cab Company (Renewal Individual Owner's Permit)

James Snellings, Esquire Cab Company (Franchise Renewal)

Joseph Harris, Esquire Cab Company (Renewal Individual Owner's Permit)

Malachi Wilkins, Triangle Cab Company (Franchise Renewal)

Marvin Barnes, Robert L. Cobb, Jean Colvin, Martin Watkins, and Mary Blackwell Hinton (Renewal Individual Owner's Permits)

TAXICAB OWNER'S PERMITS - APPROVED ON FIRST READING - TO BE PLACED ON NOVEMBER 20, 1984 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the November 20, 1984, Agenda for second and final consideration.

a. Applications for Franchise Renewal

George G. Mburu (Safeway Cab Company)

Hickman Carrington (Ebony Cab Company)

Onis H. Carrington, Jr. (Ebony Cab Company)

Lonnie Wilder (Acme Cab Company)

Melvin J. Griffin, Sr. (Prestigest Limousine and Taxi Company)

Ones E. Polk (Polk Limousine Service)

Walter S. Boone (Boone Taxi Company)

Earl A. Jones (Diamond Cutter Limousine Service)

Rick O. Jayala (Research Triangle Taxi and Transfer Company)

Boaz Odhiambo (Research Triangle Taxi and Transfer Company)

William Sutton (Tri-City Express Taxi Corporation)

Mrs. Johnsie D. Sherman (City Taxi Company)

Johnnie Jones, Jr. (Raleigh Courtesy Limousine Service)

William Thompson (Associated Cab Company)

Daniel L. Hooker (United Cab Company)

Allen Willis (Rainbow Cab Company)

Geno Robertson (Rainbow Cab Company)

Edgar Willis Davis (Lincoln Cab Company)

b. Applications for Renewal of Individual Owner's Permit

(1) Safeway Cab Company

Samuel I. Gachanja
Ernest Vinson
Franklin Gathuka Gatumbi

(2) Ebony Cab Company

William Glenn Hockaday
Dennis Wayne Robertson
James Linwood Hooker
Bobbie L. Abercrombie
James A. Dickens
Joseph Boyd, Jr.
Mary E. Lucas
Lenna Sorrell
Melvin Scott
Ones E. Polk
Alice C. Sutton
Otha Giles
John J. Green, Jr.
James L. Mitchell
Octavis Wilson
William R. Sanders
Excell Wilson
Curtis Donnell Robinson
Edward J. Thornton

(3) Acme Cab Company

Archie Graham Kenan

(4) American Cab Company

Franklin Gathuka Gatumbi

(5) Tri-City Express Taxi Corporation

Claudette Sutton

(6) City Taxi Company

Clyde Hood Johnson
Stephen Glenn
William Edward Chavis
John Fletcher Snipes, Jr.
Theodore R. Goodson
Primus Sloan
James Curtis Dowd, Jr.

Napoleon Nesbitt
John Burnett
Norwood Matthew Peacock
Samuel Lee Crowder
Harrison Stanback, Jr.
James Melvin
McKeever Dunn
Charles Snipes
John Edward Cofield
William McKinney
Joseph Nathaniel Fleming

(7) Associated Cab Company

Leonard Alston
Evelyn Champion Robertson
Charles Isom Lyons
Garland Watkins

(8) United Cab Company

Robert L. Rowland
Marie Coleman Banks
Garland Watkins, Jr.

(9) Rainbow Cab Company

John Edward Gilchrist

(10) Lincoln Cab Company

William L. Roberts

c. Application for New Individual Owner's Permit

(1) Ebony Cab Company

James Albert Johnson

Consent Agenda approval: Cates/Calloway - 8 ayes.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT AND CITY MANAGER'S OFFICE - APPROVED

The Consent Agenda presented a budget amendment in the Community Development Department in the amount of $863.26 to partially fund a contract previously in the Jobs Bill Program relating to Davie Street widening. The Agenda also presented a budget amendment in the amount of $733 relating to evaluation of Estey Hall as well as an amendment in the amount of $1,067 to provide money for Cranston Development Expenses in preparing Estey Hall foundation evaluation. Administration recommends approval of the budget amendments as outlined.

ORDINANCE NO. (1984) 441

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to reflect partial funding of contract previously in Jobs Bill:

Revenue:	43-1-5000-0101	Program Income	$ 863.26
Expense:	43-2-5070-0101	Davie St. Widening	$ 853.26

Section 2. That the 1984/1985 Budget be amended as follows by increasing the budget for evaluation of Estey Hall Building:

Revenue:	01-1-0070-0198	From Estey Hall	$ 733.33
Expense:	01-2-1040-0908	Estey Hall Study	$ 733.33

Adopted: 11/6/84

PRIVILEGE LICENSES - REFUND REQUEST - APPROVED

Farm Fresh Super Savings Center #461, located at 421 Chapanoke Lane, has obtained a privilege license and malt beverage/wine licenses for the 1984-85 license year in the amount of $784.
Administration has verified that this location is not in the Raleigh City Limits.

Recommendation: It is recommended that the amount of $784 be refunded to Farm Fresh Super Savings Center.

Miss M. L. Barnes, representing "The Frame Store, Inc., D/B/A Frame Warehouse," located at 4404 Craftsman Drive, has provided written request for a refund of $100 for the 1984-85 privilege license year. The reason for this request is that this location is outside the City Limits. Administration has verified this location as being outside the City Limits.

Recommendation: It is recommended that the amount of $100 be refunded to Miss M. L. Barnes.

Consent Agenda approval: Cates/Calloway - 8 ayes.

CIVIC CENTER - INFORMATIONAL ITEMS RECEIVED

City Manager Benton indicated he has approved the rent free use of the Civic Center as follows:

Approval has been granted for the rent-free use of Meeting Room B in the Civic Center on Monday, November 19, 1984, from 6:30 to 9:30 p.m. for a City-wide Students Against Driving Drunk (SADD).

Approval has been granted for rent-free use of Assembly Hall No. 1 in the Civic Center on the evening of December 14, 1984, for the Annual Employees Christmas Party.

Approval has been granted for the rent-free use of the Civic Center on Monday, December 3, at 7:00 p.m. to received the Operation Raleigh participants to our City, co-sponsored by the Youth Council.

Without comment, the informational items were received.

CAROLINA PINES PARK LIGHTING - CHANGE ORDER APPROVED - INFORMATION RECEIVED

A change order, which is an addition of $145 known as E-1 - Watson Electrical Construction Company, relating to Carolina Pines Park lighting, was presented explaining it has been administratively approved. The Agenda listed the reason for the change order and the budget accounts that would need to be amended if the change order is approved. Concurrence with the City Manager's approval of the change order and transfer as outlined. Consent Agenda approval: Cates/Calloway - 8 ayes. See Ordinance 436 TF 8.

BILTMORE HILLS LIGHTING - CHANGE ORDER E-2 - INFORMATION RECEIVED

The Agenda presented a Change Order E-2 - Watson Electrical Construction Company which is an addition of $585 relating to Biltmore Hills Lighting. The Agenda outlined the reason for the change order as well as budget accounts that have been amended. Concurrence with the Manager's action is recommended. Consent Agenda approval: Cates/Calloway - 8 ayes. See Resolution 436 TF 8.

WS-1983-1 - ATLANTIC AVENUE - CHANGE ORDER 2 - INFORMATION RECEIVED

This change order is an addition of $205.43 and relates to the Atlantic Avenue 30-inch water main - Harley Construction Company. It is Change Order No. 2 and is needed to reflect final quantities in as built. The Agenda listed the budget accounts that have been amended. The City Manager has administratively approved the change order and concurrence with the Manger's action is recommended. Consent Agenda approval: Cates/Calloway - 8 ayes.

PW-1984-4 - LASSITER MILL BRIDGE REMOVAL - APPROVED - FUNDS APPROPRIATED

Change Order 1 - Columbus Contractors, Inc. is an increase of $14,000 and relates to repairs to dam at Old Millwheel Raceway. The Agenda listed the budget accounts that would be needed if the change order is approved. Administration recommends approval of the change order and transfers as outlined. Consent Agenda approval: Cates/Calloway - 8 ayes. See Ordinance 436 TF 8.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTION CONCURRED WITH

Council Members received in their Agenda package a list of administrative transfers which have been authorized by the City Manager according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval: Cate/Calloway - 8 ayes. The transfers are as follows:

From	To	Amount
01-2-1110-0236	01-2-1110-0704	$353.00
01-2-5020-0700	01-2-5010-0226	925.00
06-2-7040-0704	06-2-7040-0619	100.00
43-2-3080-0100	43-2-3090-0261	300.00

43-2-3080-0100	43-2-3140-0261	300.00
43-2-4020-0100	43-2-4050-0100	6.61
43-2-4050-0103		709.92
43-2-4060-0100		115.91
		$831.60
01-2-1170-0602	01-2-1170-0707	660.00
01-2-1040-0001	01-2-1100-0705	7.00
01-2-1040-0001	01-2-1160-0265	550.00
43-2-5080-0100	43-2-5051-0104	20.00
01-2-1040-0001	01-2-1010-0700	300.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the Communications, Community Development, Engineering, Parks and Recreation, Human Resources, Personnel, Fire Department, as well as Public Utilities Department. Approval of the transfers as outlined on the Agenda is recommended. Consent Agenda approval: Cates/Calloway - 8 ayes.

ORDINANCE NO. (1984) 436 TF 8

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	AMOUNT	OBJECT CLASSIFICATION	AMOUNT
From	38-2-2040-0100	Millbrook Pool	$ 6,200.00
To	38-2-2040-0102	Millbrook/Exchange	6,200.00
Purpose: To fund design of diving well as alternate bid.			
From	37-2-2472-0101	Caraleigh	$ 7,793.00
From	37-2-1000-0100	Council Reserve	2,207.00
To	37-2-1800-0110	Shelley/Sertoma	10,000.00
Purpose: To fund basketball slab at Shelley/Sertoma Park.			
From	43-2-3020-0100	Acq. of Real Property	$ 5,000.00
To	43-2-3020-0400	Acq. of Real Prop. SP	5,000.00
Purpose: Conducting soil borings and site analysis of Peterson Street Opportunity Site.			
From	37-2-8980-0202	Lassiter Mill	$ 14,000.00
To	37-2-8980-0205	Lassiter Mill Bridge	14,000.00
Purpose: To set up a spending account for contract work on the Lassiter Mill Dam and Bridge.			
From	01-2-1170-0228	Tel Network-City	$ 14,205.00
To	01-2-1170-0229	Tel Network - Center	9,400.00
To	01-2-1170-0264	Relocation Expenses	4,805.00
Purpose: To place funds in the appropriate accounts for payment of the telephone network relocations costs which occurred in April, 1984.			
From	43-2-5010-0261	Indirect Cost Alloc.	$ 8,694.76
To	43-2-5070-0101	Davie Street Widening	8,694.76
Purpose: Completing funding of contract previously in Jobs Bills.			
From	43-2-3060-0100	Loans & Grants	$ 60,000.00
To	43-2-3020-0200	Acq. Real Prop/DTE	60,000.00
Purpose: Providing additional funds for Downtown East acquisition.			
From	43-2-3050-0200	ED Planned Program Income	$ 84,000.00
To	43-2-3020-0200	Acq. Real Prop/DTE	84,000.00
Purpose: Providing additional funds for Downtown East acquisition.			
From	43-2-5010-0100	Salaries	$ 6,175.05
	43-2-5010-0101	Fringes	250.73
	43-2-5010-0213	Registrations & Subs.	35.15
	43-2-5010-0228	Post. & Tele.	110.36

	43-2-5010-0229	Advertisement	45.58
	43-2-5010-0230	Motor Veh. M&O	178.67
	43-2-5010-0231	Travel	89.81
	43-2-5010-0232	Rent	13.18
	43-2-5010-0240	Print & Reprod.	182.81
	43-2-5010-0260	Office & Other	182.39
	43-2-5010-0261	Indirect Cost Alloc.	1,584.76
	43-2-5010-0265	Legal Retainer	400.00
	43-2-5010-0700	Office Equipment	160.60
	43-2-5090-0100	Salaries	7,228.69
	43-2-5090-0213	Regis. & Subs.	81.35
	43-2-5090-0228	Post & Tele.	429.89
	43-2-5090-0229	Advertisement	267.04
	43-2-5090-0232	Rent	698.20
	43-2-5090-0236	Equip. Rental	47.52
	43-2-5090-0237	Auto Reimb.	160.58
	43-2-5090-0240	Print & Reprod.	1,258.10
	43-2-5090-0260	Office & Other	85.20
	43-2-5090-0700	Office Equp.	50.35
	43-2-5090-0701	Computer/Hardware	744.26
To	43-2-5052-0100	Acquisition/DTE	20,460.27

Purpose: To clear past year's accounts of unused balances to provide funds for Downtown East acquisition.

From	43-2-5020-0101	Property Maint.	$ 4.74
	43-2-5030-0101	Rehab. for Resale (113)	16,001.78
	43-2-5030-0102	Rehab. for Resale	115.00
	43-2-5051-0100	Acquisition-NBP	280.00
	43-2-5051-0101	Demolition-NBP	3,201.00
	43-2-5052-0201	Rehab Loans & Grants	251.12
	43-2-5110-0100	Code Enforcement	9,820.00
	43-2-5052-1201	Rehab. Case Costs-DTE	3.85
To	43-2-5052-0100	Acquisition-DTE	29,677.49

Purpose: Close misc. balances to active line items for Downtown East acquisition.

From	43-2-5100-0213	Regis. & Subs.	$ 182.10
	43-2-5100-0231	Travel	330.60
	43-2-5100-0232	Rent	2,283.60
	43-2-5100-0240	Print & Reprod.	1,201.71
	43-2-5100-0260	Office Supplies	89.19
	43-2-5100-0261	Other	250.00
	43-2-5120-0100	Salaries	.55
	43-2-5120-0101	Fringes	.60
	43-2-5120-0200	Accounting	21.58
	43-2-5120-0228	Telephone	102.31
	43-2-5120-0231	Travel	3.51
	43-2-5120-0239	Insurance	.91
	43-2-5120-0260	Office & Other	1.08
	43-2-5130-0100	Salaries	.55
	43-2-5130-0101	Fringes	.21
	43-2-5130-0231	Travel	.09
	43-2-5130-0239	Insurance	11.08
	43-2-5130-0260	Office & Other	4.69
	43-2-5140-0100	Salaries	.32
	43-2-5140-0101	Fringes	5.21
	43-2-5140-0231	Travel	.31
	43-2-5140-0239	Insurance	.31
	43-2-5140-0260	Office & Other	84.62
	43-2-5150-0100	Salaries	.38
	43-2-5150-0101	Fringes	.60
	43-2-5150-0229	Advertisement	.71
	43-2-5150-0231	Travel	.83
	43-2-5150-0239	Insurance	.06
	43-2-5150-0260	Office & Other	70.75
To	43-2-5052-0100	Acquisition/DTE	4,648.46

Purpose: To clear past year's accounts of unused balances to provide funds for Downtown East acquisitions.

From	32-2-3000-0100	Atlantic Avenue	$ 10,000.00
To	32-2-3000-0102	Atlantic Avenue "B"	10,000.00

Purpose: Provide additional funds for water main relocations and design and additional City requested right-of-way and design work.

From	18-2-1000-0235	Other Materials	$ 518.00
To	01-2-6010-0799	Banquet Tables	518.00

Purpose: Tables for Millbrook/Exchange Center.

From	02-2-2020-0231	Travel	$ 1,571.00
	02-2-2020-0260	Supplies	622.00
To	02-2-2020-0700	Equipment	2,193.00

Purpose: To purchase video equipment for community education, staff training, and volunteer training.

From	02-2-2010-0100	Salaries	$ 6.21

	02-2-2010-0101	Fringe Benefits	74.67
	02-2-2010-0231	Travel	152.96
	02-2-2010-0240	Printing, Reprod.	96.83
To	02-2-2010-0700	Equipment	330.67

Purpose: To purchase video equipment for community education, staff training and volunteer training.

From	01-2-1210-0266	Counseling Program	$ 3,000.00
To	01-2-1210-0211	Advertising	3,000.00

Purpose: To provide sufficient funds for advertising major position vacancies during this fiscal year.

From	01-2-4110-0700	Equipment	$ 1,100.00
To	01-2-4110-0257	Other Supplies	600.00
To	01-2-4110-0282	Training Supplies	500.00

Purpose: To place funds for hazardous materials response team into proper expenditure accounts.

From	06-2-7100-0001	Contingency	$145,000.00
To	06-2-7030-0267	Corps-Falls Res.	145,000.00

Purpose: To cover charges from the Crop for 35 MGD from Falls Reservoir.

From	01-2-1040-0001	Contingency	$ 1,067.00
To	01-2-1040-0908	Estey Hall Study	1,067.00

Purpose: Provide money for Cranston Developers expenses in preparing Estey Hall Foundation Evaluation.

Adopted: 11/6/84

BID REQUEST 84-25 - FLOOD AND AREA LIGHTS - BID AWARDED TO EASTERN ELECTRICAL SUPPLY COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on September 20, 1984 for flood and area lights with results as follows: Eastern Electrical Supply, Inc. - $14,056.01; Western Electrical Supply - $14,502.28. Administration recommends the bid submitted by Eastern Electric Supply Company be awarded. Consent Agenda approval: Cates/Calloway - 8 ayes.

BID REQUEST 84-28 - AMMUNITION - BID AWARDED TO DAVIDSON LAW ENFORCEMENT EQUIPMENT

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on October 8, 1984 for various types ammunition with results as follows:

GROUP I - 145,000 Rounds .38 cal. Blazer Aluminum Ammunition

Davidson Law Enforcement Equipment	$15,496.15

GROUP II - Assorted Ammunition - .25 cal., 357 cal., and 12 ga. shotgun shells

Davidson Law Enforcement Equipment	$ 6,882.12
National Police Supply Company	8,029.95

Administration recommends that the low bid submitted by Davidson Law Enforcement in Groups I and II be awarded. Consent Agenda approval: Cates/Calloway - 8 ayes.

PU-1984-11 - WHITE OAK ROAD/LASSITER MILL ROAD - RESOLUTION OF INTENT ADOPTED

Administration recommends that approximately 100 feet of 8-inch sanitary sewer main be installed north of the intersection of White Oak Road and Lassiter Mill Road from existing outfall at Beaver Dam Branch to proposed Millstream Subdivision. The estimated cost if $2,600 and it is recommended that assessment be on the per lot basis. The request was made by Millstream Subdivision. Administration recommends that the City Council adopted a resolution of intent to set a public hearing date for December 4, 1984. Consent Agenda approval: Cates/Calloway - 8 ayes.

RESOLUTION NO. (1984) - 641

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTIONS

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

PU 1984-11 - installation of 100 feet ± of 8-inch sanitary sewer main north of the intersection of White Oak Road and Lassiter Mill Road from existing outfall at Beaver Dam Branch to propose Millstream Subdivision. (Assessment on per lot basis)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code by assessed against the property receiving the improvement. Assessments will be made according to the following method. Per lot basis.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 4th day of December, 1984, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: November 6, 1984

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended traffic changes relating to channelization and stop signs with recommendation of approval. The Agenda outlined the need for the traffic changes and code sections that would be affected. Administration recommends approval. Consent Agenda approval: Cates/Calloway - 8 ayes.

ORDINANCE NO. (1984) 437

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Traffic Schedule of the City of Raleigh be amended by adding the following to Schedule No. 2 (STOP SIGNS):

Nugget Lane at Prospector Place

Section 2. That Schedule No. 6B-3 entitled "CHANNELIZATION" be amended by adding the following:

Northclift Drive at Six Forks, west approach

Section 3. That Traffic Schedule No. 6B-13 entitled "CHANNELIZATION" be amended by adding the following:

Leesville Road at Glenwood Avenue, north approach

Section 4. That Schedule No. 6B-15 entitled "CHANNELIZATION" be amended by adding the following:

Sandy Forks Road at Six Forks, east approach

Section 5. That Schedule No. 6E-6 entitled "CHANNELIZATION" be amended by deleting the following:

Leesville Road at Glenwood, southward

Section 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. That this ordinance shall become effective November 13, 1984.

Adopted: 11/13/84

END OF CONSENT AGENDA

ENCROACHMENT - WINTON ROAD - APPROVED CONDITIONALLY

A request has been received by Southern Net, Incorporated to encroach within the public right-of-way along a section of Winton Road for the purpose of burying fiber optics cable and conduit.

Recommendation: That the City Council approve the encroachment subject to the signing of an agreement which would include a commitment to remove the encroachment upon demand of the City, posting of $150,000 indemnity insurance to secure the City from damages resulting from the encroachment.

Mrs. Block indicated she pulled this item from the Consent Agenda questioning the purpose of burying the fiber optic cable and conduit and exactly what it is. City Manager Benton indicated it relates to communications, it is a high-tech type cable. Mrs. Block pointed out the thing that concerns her is she thought that we had reserved the right-of-way for water, sewer, and other utilities and questioned if we are going to approve all of these requests for encroachments. City Attorney McCormick explained that this relates to a truck line for long-distance facilities and he understands they want to put the cable in the sidewalk portion of the street. He indicated it is very small and does not contain anything that could in anyway be toxic. He indicated if the Council approves this, it would just give Southern Net, Inc. the right to bury the cable and conduit in City right-of-way but would be no expense to the City. Mrs. Block questioned if yards would be dug up with it being pointed out with the location on Winton Road being affected. After other discussion, Mrs. Block moved Administration's recommendation be upheld. Her motion was seconded by Ms. Cates and after brief discussion put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PARKING DECK - SALISBURY - FREE PARKING DURING LIGHTING OF TREES

On December 12, the annual lighting of the trees on the Fayetteville Street Mall is scheduled. One of the efforts is to provide free parking after 5 p.m. in the various parking lots. At the request of the Raleigh Merchants Bureau, the City Manager has agreed that the City decks on Salisbury Street and McDowell Street would also participate in the short free parking period from 5 to 7:30 p.m.

Mr. Calloway questioned why the free parking could not be from 5:00 p.m. to 9:00 p.m. so that people could stay in the downtown area, participate in shopping, etc. City Manager Benton indicated the request was from the Raleigh Merchants Bureau from 5:00 to 7:30 p.m. He stated he had no problem with making the time period longer. Mr. Calloway moved approval of the free parking with the understanding that it would be expanded to cover the hours 5:00 to 9:00 p.m. subject to approval and concurrence by the Merchants Bureau. His motion was seconded by Ms. Cates and put to vote which passed unanimously. The Mayor ruled the motion adopted.

MUNICIPAL PARKING BUILDING - CHANGE ORDER G-1 - REFERRED TO MUNICIPAL BUILDING COMMITTEE

The Agenda presented a change order which is an addition of $20,053.72 known as Change Order G-1 - Suitt Construction Company. The Agenda outlined the reasons for the change order. Mrs. Block pointed out she had requested that this be withdrawn from the Consent Agenda pointing out the parking deck was supposed to be completed by September 30, 1984, and it was not. Therefore, she questioned why we should reimburse the contractor for fulfilling an agreement to complete a portion of the deck by September 30. She stated she would just like to look into this further and requested that the change order be referred to the Municipal Building Committee. Without objection, the item was so referred.

SPECIAL ITEMS

CABLEVISION RATE CHANGES - INFORMATION RECEIVED

During the October 2, 1984 Council Meeting, the City Council requested that representatives of Cablevision of Raleigh appear at the October 16 meeting and explain their planned rate changes and explain justification under the present franchise for these rate changes. During the October 16 meeting, the Council received a report from the Raleigh Telecommunications Commission and suggested that the item be placed on the November 6 Agenda.

Robert Thomas, Cable Administrator for the City of Raleigh, indicated the chairperson of the Telecommunications apologized for not being able to be at the meeting. He presented the following prepared statements from the Telecommunications Commission.

"In response to your request, the Commission has been dealing with the issues raised by Cablevision's recently-announced rate increases. We reported at your last meeting that Cablevision has agreed to defer any increases to December 1, and to cancel its intentions to change the base charge and raise the rate for rental of remote control devices. Those decisions remain in effect.

At our last Commission meeting, Cablevision proposed raising the rates charged for premium (pay) services from the current $8.95 to $10.95, effective December 1, 1984. While we may not be convinced this rate increase is needed or a good decision, rate

regulation over premium services would not seem to be within the City's jurisdiction. In any case, such a decision does not affect the total subscriber universe, but places the increased rate burden upon specific users of elective, extra-cost, cable programming services.

A decision about instituting a charge for "switching" from one pay service to another is yet to be made, and Cablevision has agreed to continue discussions of this with the Commission. We will keep you informed.

Above all, this recent controversy raises several questions concerning the validity of sections of the Franchise Agreement between the City and Cablevision. The commission feels that a thorough examination of the terms of the franchise is in order, especially in light of the new Cable Policy Act and other changes in Federal cable regulations. If we and Cablevision are to adhere to any contract, we must be sure that we have a contract both parties can and will honor. The Commission does not know, at this time, if ANY changes are necessary in the Franchise Agreement for it to remain enforceable. But, we ask the Council for time to work with the Cable Franchise Office, the City Attorney and all interested parties in studying this situation in a timely manner. At such time as we have specific recommendations, we propose to return to the Council with a full report and a suggested plan of action.

These are important issues, and we want to work with you to solve them."

Mr. Thomas indicated Randy Fraiser and Martin Sheridan, representing Cablevision of Raleigh, were in the audience and would be glad to answer any questions. Mayor Upchurch suggested that the Council receive the report as information, remove the item from the Agenda and ask the Telecommunications Commission to keep the Council posted on this matter. Without objection, this was agreed to.

REQUEST AND PETITIONS OF CITIZENS

DEVELOPMENT REQUIREMENTS - CONCERNS REFERRED TO ADMINISTRATION

Penny Greene, 7208 Creedmoor Road, indicated on October 16 she presented the Council with concerns she had relative to site plan requirement prior to issuance of grading permits. She indicated this was referred to Administration. She indicated she requested permission to be on the Agenda this time because of a lack of a resolution of this problem. She stated, however, since she had submitted the request she had met with representatives of Administration and she is at the meeting just looking for the most expeditious method of handling the problem. City Manager Benton indicated there are some questions that Administration is trying to resolve and he would like an opportunity to get them resolved. Without further discussion, it was agreed to leave this request with Administration.

HIGHWOODS BOULEVARD - CONSTRUCTION OF RETAINING WALLS IN MEDIAN - APPROVED

Ben Taylor, of Envirotek, Inc., representing Highwoods Property, was at the meeting requesting permission to construct railroad tie retaining walls along the medium of the extension of Highwoods Boulevard north toward Atlantic Avenue to retain the maximum amount of natural wooded area in the medium. He explained the existing trees will be augumeted with understory planning and irrigated to continue and preserve the natural look. He stated, as with the existing portion of Highwoods Boulevard, the Highwoods company would maintain the wall and all planted areas. Mr. Taylor presented photographs of the existing area and presented Council Members with engineering drawings showing the wall, etc. Mrs. Block indicated, in the past, Administration had objected to solid fixtures in mediums. She pointed out, however, the development in Highwoods has been superior and maybe there could be some compromise. City Manager Benton indicated Administration has no objections to the request if visibility at the intersection is not obstructed. He explained Highwoods Properties agrees to maintain the wall and the insurance question for encroachment in the right-of-way if addressed satisfactory. Mrs. Block moved the request, as presented, to be approved. Her motion was seconded by Mr. Walters. Mr. Taylor indicated Council Members received a drawing showing the extensive landscaping along the railroad and Atlantic Avenue. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

COMPREHENSIVE PLANNING - REQUEST FOR COUNCIL TO SHARE INFORMATION WITH WAKE COUNTY BOARD OF EDUCATION - APPROVED - MATTER REFERRED TO INTERGOVERNMENTAL COMMITTEE

Bernadine Weddington, representing the Raleigh CAC, represented the following prepared statement.

"The Wake County Board of Education will hold a public hearing tomorrow night (November 7, 7:30 p.m., Athens Drive High School auditorium) on the school system's facilities needs.

At every one of your public hearings on rezoning petitions, you hear citizens express concern about the impact of high density residential development on the capacity of the school system.

It is my feeling that the School Board may not be knowledgeable about the Comprehensive Plan, the rezonings to higher density residential districts, or how these actions impact on the school situation.

To make the School Board more aware of these activities, and help those members make their long-range planning more realistic, I urge you to make a statement at tomorrow's meeting.

These are some of the items you could address.

1. The update of two districts (North and Southeast) have been made. You could give the projections for growth, the pattern of development, and the outlook for transportation.

2. The updates of four districts (Central, Northwest, University, and West/Southwest) are in process. The public hearing for the University Plan will be held on November 20. You could give similar information as for the two completed plans.

3. Give them the schedule for the Comprehensive Plan update and copies of the six plans either adopted or in process. Plan to keep them informed about the various meetings and hearings on the Comprehensive Plan.

4. Give them agenda for the November 20 public hearing and all subsequent hearings on rezonings. Let them know the results of these rezoning petitions.

I feel sure that Ray Stephens (Chairman, Facilities Committee) and Roy Carawan (Chairman, Long-Range Planning Committee) would welcome this valuable input from City government."

Mayor Upchurch indicated he had planned to refer this matter to the Intergovernmental Committee and he felt that would be good.

Later in the meeting, Mayor Upchurch asked that the matter relating to sharing information with the school board be referred to the Intergovernmental Committee along with a report from the CAC. He indicated the City Council in the past has adopted a position paper on schools and he feels that Mr. Calloway could go to the public hearing on November 7 and present that prepared statement. Ms. Cates explained that it was her understanding that schools may be getting their student population figures a little differently than how the City figures the population projection and maybe we should sit down together and determine if we are using the same figure. She suggested maybe this could be an item for discussion the next time the school board meets with the Council. After other discussion, it was agreed to refer this matter to the Intergovernmental Committee and at the same time ask Mr. Calloway to present the position statement and information at the public hearing.

Ms. Weddington pointed out the Raleigh CAC will be meeting on November 15 and will be setting goals. She indicated if there is anything the Council would like for the RCAC to address this upcoming year that they would appreciate having that information to work with.

ENCROACHMENT - 405 CAROLINA PINES AVENUE - REFERRED TO THE LAW AND FINANCE COMMITTEE

Gary Holmes, representing the Dairy Pit Stop, had requested permission to encroach over street right-of-way in order to allow the existing sign to remain at 405 Carolina Pines Avenue. Mr. Holmes was not at the meeting. City Manager Benton indicated the sign does encroach over the City right-of-way and it looks as if it is a situation whereby the sign was installed in the wrong location. The City Clerk indicated Mr. Holmes could not be at the meeting today and without further discussion, the item was referred to the Law and Finance Committee.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS PRESENTED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He indicated items marked with one asterisk beside the certified recommendation number are located within flood-prone items. Items marked with two asterisks beside the certified recommendation number are located within the Falls Basin. No one asked to pull an item from the Consent Agenda. Mr. Calloway moved that the Planning Commission's recommendations, as outlined on the Consent Agenda, be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-158-84 - DUNBARTON POINTE CONDOMINIUMS - APPROVED WITH VARIANCE IN MAXIMUM LENGTH OF CUL-DE-SAC GRANTED

This was a request for approval of 82 residential condominium units consisting of eight buildings on 13.68 acres which are undeveloped and zoned Residential-6.

The property is located at the south end of The Pointe, just south of Sawmill Road, outside the City Limits.

CR-5286 from the Planning Commission recommended that this request be approved according to a map entitled, "Dunbarton Pointe Condominiums," the property of Gullege

Building Company, drawn by Jerry Turner and Associates, dated September 24, 1984; and that the request for a variance to the maximum length of a cul-de-sac be granted. Consent Agenda approval: Calloway/Cates - 8 ayes.

SUBDIVISION S-106-84 - OXFORD ROAD PROPERTY (VARIANCE AND REVISIONS) - APPROVED WITH CONDITIONS.

This was a request for approval to revise the previously approved plan by combining four detached units (Units 15 through 18) into two duplexes; and request approval to an exception to Section 10-3074 (drive widths) from the required 25 feet to 16 feet. The project consists of 47 townhouse units on 8.0 acres which are under development and zoned Residential-10.

The property is located on the east side of Oxford Road, west of Carroll Drive, inside the City Limits.

CR-5302 from the Planning Commission recommended that this request be approved according to a map entitled, "Oxford Road Property (Variance and Revision)," the property of White Oak Properties, drawn by Paton, Zucchino and Associates, dated October 16, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; and that the waiver to Section 10-3074 (drive widths - from the required 25 feet to 16 feet) be granted according to Section 10-3004. Consent Agenda approval: Calloway/Cates - 8 ayes.

SUBDIVISION S-160-84 - WILLOW RIDGE TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct three townhouse projects on three lots which are undeveloped and zoned Residential-6. Lot 1 is 1.5 acres and will have nine units; Lot 2 is 2.17 acres and will have 13 units; and Lot 3 is 0.81 acre and will have four units.

The property is located at the north end of Van Thomas Drive, just west of Catamount Court, inside the City Limits.

CR-5303 from the Planning Commission recommended that this request be approved according to a map entitled, "Willow Ridge Townhomes," the property of Newton Development Company, drawn by Thompson and Associates, dated August 14, 1984, with the condition that the legal documents for the private, non-profit homeowners association are reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Calloway/Cates - 8 ayes.

SUBDIVISION S-170-84 - CAROLINA HEIGHTS TOWNHOUSE REVISION - APPROVED WITH CONDITION; LENGTH OF CAROLINA AVENUE EXTENSION - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to revise a previously approved townhouse plan by showing duplexes on Lots 13 through 18 (6 lots, 3 duplexes) instead of two triplexes on one acre which is undeveloped and zoned Residential-6.

The property is located at the southern end of Carolina Avenue, just south of Barston Drive, inside the City Limits.

CR-5304 from the Planning Commission recommended that this request be approved according to a map entitled, "Carolina Heights Townhouse Revisions," the property of John T. Bell Company, Incorporated, drawn by Tate Lanning and Associates, dated September 21, 1984, with the condition that the legal documents for the townhouses be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Calloway/Cates - 8 ayes.

Mrs. Block indicated she had no problem with this subdivision; however, she pointed out Carolina Avenue is a long cul-de-sac and she wonders what, if anything, the Council could do to keep it from getting longer. She indicated she feels we need to plan how to exit from Carolina Avenue; therefore, she would like to refer that to the Public Works Committee, pointing out this would have no affect on the subdivision as approved. Without objection, the matter was referred to Public Works Committee.

SC-216 - SUTTON SQUARE SHOPPING CENTER SIGN CRITERIA - APPROVED

This was a request for approval to revise the approved sign criteria on a 133,000 square foot shopping center on 10.36 acres, zoned Shopping Center.

The property is located on the west side of Falls of Neuse Road, at the intersection with Bullard Court, inside the City Limits.

CR-5305 from the Planning Commission recommended that this request be approved according to a document entitled, "Sign Criteria for Sutton Square Shopping Center, Falls of Neuse Road, Raleigh, North Carolina," the property of Benson Construction Company, drawn by James C. Buie, Architect, Incorporated, undated. Consent Agenda approval: Calloway/Cates - 8 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

REZONING Z-112-84 - SIX FORKS ROAD - REFERRED TO LAW AND FINANCE COMPANY

This was a request for approval to rezone approximately 5 acres from Office and Institution-III to Shopping Center and Conservation/Buffer (a 50-foot strip along the south and east sides of the request adjacent to Residential-10).

CR-5306 from the Planning Commission recommended that Z-112-84 be approved as requested.

Planning Director Chapman explained the requested rezoning. Planning Commission Chairman McNeely indicated the principle issue discussed on this was traffic. He explained discussions in the Planning Commission relating to traffic and the Department of Transportation's comments. Mr. Congleton indicated there are still quite a few questions surrounding this item, and he would move Z-112-84 be referred to Law and Finance Committee. Without objection, the item was so referred.

CP-7-84 - NORTHWEST PLANNING DISTRICT LAND USE PLAN - NO REPORT RECEIVED

Chairman McNeely indicated the Planning Commission had hoped to bring a recommendation on CP-7-84. He indicated there have been quite a lot of outside input; therefore, the Planning Commission is still discussing the item. He stated they would hope to have a recommendation at the next meeting. The item was received as information.

TC-275 - RESIDENTIAL-30 (CONDITIONAL USE) DISTRICT - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend the zoning ordinance to create a new residential classification called Residential-30 (Conditional Use) District, which is intended to provide sensitive regulation when development (i.e. new construction and additions) in a Residential-30 Conditional Use District would exceed 20 residential units per acre or when the property involved in this high density area is over 8,000 square feet in size. Chairman McNeely indicated this text change was studied in a committee of the Planning Commission and representatives of various groups including the Appearance Commission did provide input. He indicated there were some amendments made by the Planning Commission to the test change as advertised. He presented CR-5320 in which the Planning Commission recommends that TC-275 be approved as amended. Ms. Cates moved adoption of TC-275 as recommended by the Planning Commission to be effective immediately. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (9184) - 438 TC 226

AN ORDINANCE TO ESTABLISH A NEW RESIDENTIAL ZONING DISTRICT ENTITLED CONDITIONAL RESIDENTIAL 30 DISTRICT.

WHEREAS, Chapter 160A, Article 19, Part 3 of the General Statutes authorizes the City of Raleigh to establish zoning districts with a reasonable consideration among other things as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings; and

WHEREAS, the Raleigh City Council finds that areas which were developed in the early twentieth century were developed on small lot sizes and consequential high residential densities. And that present development on large lots or with modern high rise high density structures adversely affects the property value of existing buildings in these neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2002 of the Raleigh City Code is hereby amended to add a new definition, "block face", which shall follow the definition of "billboard copy" and it shall read as follows:

"Block face. The physical characteristics of property and structures adjoining both sides of a street, in between intersections. If the street distance between intersections is less than four hundred feet, then the block face shall extend to one-half the distance of the adjoining parallel block face in either side.".

Section 2. Section 10-2011 of the Raleigh City Code is hereby amended to reletter "j Residential 30 district" through "u Historic District" respectively k through v. Said section is further amended to add a new zoning district which shall follow ": Residential 20 District" and which shall read as follows: "j conditional residential 30".

Section 3. A new section of the Raleigh City Code is hereby enacted to read as follows:

"Sec. 10-2030.1. Conditional Residential 30 district.

(1) The following uses are permitted in a conditional residential 30 district;

(a) All uses permitted in a residential 20 district, except that no use shall be constructed or expanded on any lot which contains three or more dwelling

units without first obtaining a special use permit from the City Council pursuant to Section 10-2072(f); no residential townhouse development or multifamily development containing two (2) dwelling units shall be constructed on any lot less than six thousand five hundred (6,500) square feet nor shall any such development containing three (3) dwelling units be constructed on any lot less than eight thousand (8,000) square feet.

(b) Residential densities of greater than twenty (20) but not greater than thirty (30) family dwelling units per acre following the issuance of a special use permit by the City Council pursuant to Section 10-2072(f).

(2) The following site standards shall apply in a conditional residential30 district:

(a) No buildings or structures may be constructed on a lot to a height which is more than twelve (12) feet higher than any other residential building or structure which is located within thirty feet of said lot, and located within the conditional residential-30 district, except that any building or structure over forty feet in height shall add one foot additional width to all required yards for every foot of height over forth (40) feet.

(b) The following yard requirements shall apply:

Front Yard Space: No less than fifteen (15) feet, and within ten percent of the median setback established by buildings on the side of the block face of the proposed building.

Side Yard Space: No less than ten (10) feet aggregate and five (5) feet minimum.

Rear Yard Space: No less than twenty (20) feet.

Corner Yard Space: No part of any building may be located within a triangular area formed by the street rights-of-way lines and a line connecting them at points twenty (20) feet from the rights-of-way intersection.".

Section 4. The table entitled "Yard Requirements and Density Standards According to Zoning Districts," appearing on page 10-41 Supp. No. 12, 6-84 of the Raleigh City Code and referred to in Section 10-2063(a) of the Raleigh City Code is hereby amended to add a new line to follow Residential 20 which shall read as follows:

District	Minimum Front Yard Space (in feet	Families Per Acre***
Conditional Residential-30	see section 10-2030.1(2)	20/30****

Said table is further amended to add to the end thereof the following:

"**** Twenty families per acre are allowed in this district as a general use, and an additional ten families per acre are allowed if approved by the Raleigh City Council pursuant to Section 10-2072(f).".

Section 5. Section 10-2064(a), concerning maximum height limits in specified zoning districts, of the Raleigh City Code is hereby amended to add a new subsection to the end thereof which shall read as follows:

"(9) In the conditional residential 30 district, the height limits of buildings shall conform to Section 10-2030.1(2)(a).".

Section 6. Section 10-2072 of the Raleigh City Code is hereby amended to add a new subsection, 10-2072(f) which shall read as follows:

(f) Conditional R-30 uses. To permit in the conditional R-30 district under uniform rules, standards and regulations set forth in this section: (1) residential townhouse developments, group housing projects, or multifamily developments, containing three or more dwelling units sited on any lot; or (2) any residential density greater than twenty (20) but not greater than thirty (30) family dwelling units per acre. None of these uses authorized herein shall be permitted unless the City Council following an evidentiary hearing conducted under the procedures contained in Section 10-2094(d) finds that:

a. The materials, including their direction, dimension, and application, used on the exterior portion of the proposed building or additions shall be the same as those materials used on any two or more existing buildings on the block face, provided any other material used on one-third or more of the total block faces within the district is allowed; and

b. The proposed building or additions contain a main roof with a minimum rise to run pitch of 4 to 12. If three or more roofs on the block face are multi-directional or multi-pitched, then any multi-pitched or multi-directional roof style located on the block face shall be used; and

c. Any four sided window and door pattern on the facade(s) of the proposed building or addition visible from an adjacent right-of-way, excluding alleyways, shall contain a minimum height to width ratio of 1.5 to 1. Other shaped window and door patterns may be used if they are found on the block face; and

d. The location of the main building entrance include the entryway level shall be the same as three or more buildings on the block face. No upper story entrance shall be visible from an adjacent right-of-way, excluding alleways; and

e. The longest side of the existing building including its additions or the largest side of the proposed building visible from the adjacent right-of-way does not exceed one and one-half (1 1/2) its height, or the minimum height to width ratio found in three or more buildings on the block face, which ever is greater; and

f. The proposed building coverage does not exceed fifty (50) percent of the site; and

g. All outdoor off-street parking lots containing more than four spaces and located within twenty-five feet of any residentially zoned lot line shall provide a screen along the lot line, excluding alleyways. This screen shall include live vegetation, ground cover, grass, trees, shrubs, hedges, or other similar materials which uniformly reduces the horizontal view of the off-street parking area from the adjoining lot by at least seventy-five percent to a minimum height of 30" above the ground elevation at the lot line year-round. Plant materials shall obtain the height and view reduction requirements, within one (1) year from initial planting. If plantings cannot be installed at the time of occupancy due to weather conditions, they shall be installed within six (6) months of occupancy; and

i. The use will not be detrimental to the value of property improvements in the neighborhood; and

j. The request meets all applicable requirements of this code.".

Section 7. Subsections 10-2073(c)(16) and, (18) and, (21) and, (24) of the Raleigh City Code are hereby amended to insert immediately after the words "R-20" appearing therein the following language: ", condition R-30,".

Section 8. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 9. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 10. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 11. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 12. This ordinance shall become effective six days following its adoption.

Section 13. Structures existing prior to the application of the conditional R-30 zoning district which, because of their lot size or density now require City Council approval are use non-conformities for the purposes of Section 10-2077 of the Raleigh City Code.

Adopted: 11/6/84

REZONING Z-33-84 - GLENWOOD/BROOKLYN/CAMERON VILLAGE CONDO - APPROVED AS AMENDED - ORDINANCE ADOPTED

Ms. Cates indicated the Council is holding Rezoning Application Z-33-84 relating to the Glenwood/Brooklyn/Cameron Village area until action was taken on TC-275. She stated at this time she would move that the City Council uphold the Comprehensive Planning Committee's recommendation which is that the O&I portion of the request remain O&I, the Cameron Park Condominium portion be rezoned to Residential-15 and the property currently zoned Residential-10, 15, and Residential-20 (the residential property covered by the application) be rezoned Residential-30 Conditional Use. Her motion was seconded by Ms. Babb. Mr. Walters indicated there was some Residential-30 property that did not want to be rezoned Residential-30 Conditional Use with Mr. Chapman indicating there would be a number of parcels in this area that would remain zoned Residential-30. The difference in Residential-30 and Residential-30 Conditional Use was discussed at length with Mr. Walters indicating he had misgivings as this is so complicated and he is afraid that the Council will be making mistakes

that will come back to haunt them. Ms. Babb indicated she supported the motion and reminded everyone that this has been a long hard process in which the Council was trying to deal with this situation and trying to protect property rights. She indicated this is the City's first attempt at conditional use zoning and while it may not be perfect, she feels it is a good solution. Mr. Walters stated there had been no discussions about some of the items such as the 70% land coverage being reduced to 50%, pointing out he feels that this will prohibit some people from doing what they want to with their property. Ms. Babb indicated you could argue for 50% or 70%, but, she feels if we err, it should be on the side of protection. After other discussion, Planning Director Chapman presented a map showning the Comprehensive Planning Committee's recommendation for rezoning as stated by Ms. Cates. After other discussion, the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 439 ZC 149

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Glenwood/Brooklyn/Cameron Village Condominiums rezoned to Residential-15 and Residential-30 Conditional Use according to map on file in the City of Raleigh Planning Department entitled "Z-33-84 Approved Zoning" dated 11-6-84. (Z-33-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective November 6, 1984.

Adopted: 11/6/84

COMMITTEES, COMMISSIONS, AND BOARDS

ARTS COMMISSION - NANCY N. LAMBERT APPOINTED; ADDITIONAL VACANCIES ANNOUNCED

The Clerk reported one vacancy due to the resignation of Jay Eaker. Nominations include Trish Kaasa, Fran Ashford, and Nancy N. Lambert. Nominations have been closed. Ms. Babb indicated she had spoken to her nominee, Trish Kaasa, about the impasse that Council has on making this appointment and Ms. Kaasa had asked that her name be withdrawn at this point in favor of Fran Ashford. A ballot vote resulted as follows: Lambert - 4 (Keller, Upchurch, Walters, Block); Ashford - 4 (Cates, Calloway, Congleton, Babb). Since no nominee received five votes, a second ballot vote was taken with results as follows: Ashford - 2 (Babb, Congleton); Lambert - 6 (Keller, Upchurch, Block, Cates, Calloway, Walters). The Mayor announced the appointment of Nancy N. Lambert to a two-year term on the Arts Commission.

The Clerk reported the terms of J. C. Knowles, Fred B. Parker, III, and B. Fred Partin, Jr. expire January 6, 1985. All are eligible for reappointment and the Clerk indicated she had sent a memo from the Director of the Arts Commission relative to attendance. No nominations have been made. Mayor Upchurch nominated J. C. Knowles. Mr. Walters nominated B. Fred Partin, Jr. Ms. Cates nominated Fran Ashford. Mr. Congleton nominated Fred P. Parker. No further action was taken.

PARKS AND RECREATION ADVISORY BOARD - NOMINATION MADE

The Clerk reported the terms of Carole Sawicki and James M. Tanner expire November 16. Nominations include Ms. Sawicki, Mr. Tanner, and Dot Smith. Mr. Calloway nominated David Mallete, Sr. No further action was taken.

GREENWAY COMMISSION - SUSAN WILSON APPOINTED; VACANCY ANNOUNCED

The Clerk reported the Youth Council representative, Elizabeth Thompson, has graduated from high school and therefore there is a vacancy on the Greenway Commission. Susan Wilson has been nominated. Nominations have not been closed. There being no further nominations, Mayor Upchurch moved that nominations be closed and Ms. Wilson appointed by acclamation. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

The City Clerk reported one vacancy on the Greenway Commission due to the resignation of Dr. Thomas Quay. No nominations have been made. Mr. Congleton nominated Kyle Highsmith. Ms. Block nominated Bill Savage. Mr. Keller nominated Dr. Earl G. Droessler. No further action was taken.

ELECTRICAL EXAMINING BOARD - NOMINATION MADE

The term of Dallie W. Jordan expires December 9. He will have served six years and one week. No nominations have been made; however, during the last meeting, Administration was asked to make a recommendation. Administration recommends that Mr. Jordan be reappointed. Mr. Walters nominated Mr. Jordan. No further action was taken.

HOUSING AUTHORITY - BOARD OF DIRECTORS - NO ACTION TAKEN

The Clerk reported the terms of Dr. Robert E. Fields, Jr., Barbara Bullard Page, and Dr. James H. Colson expire December 9. All have been nominated for reappointment. Nominations have not been closed. Ms. Block asked that this be held open until the next meeting.

HISTORIC PROPERTIES AND HISTORIC DISTRICTS COMMISSION - APPOINTMENTS MADE

The City Clerk reported one vacancy on the Historic Properties Commission due to the resignation of Julius Nimmons. Dean A. Ruedrich has been nominated. Nominations have not been closed. There being no further nominations, Mr. Keller moved that nominations be closed and Mr. Ruedrich appointed by acclamation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

The Clerk reported one vacancy on the Historic Districts Commission due to the resignation of Julius Nimmons. Mrs. John Jadwick has been nominated and nominations have not been closed. There being no further nominations, Mrs. Block moved that nominations be closed and Ms. Jadwick appointed by acclamation. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TRANSIT AUTHORITY - NOMINATIONS MADE

The Clerk reported one vacancy due to the resignation of Marcus L. Scruggs. No nominations have been made. Mrs. Block nominated Marion Perry. Mr. Walters nominated Joseph Edwards. No further action was taken.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - MARIAN GRISSOM APPOINTED

Mayor Upchurch indicated he had received a letter from Robert Sexton, Chairman of the Mayor's Committee on Services to the Handicap suggesting that Mrs. Marian Grissom be appointed to that committee. Mayor Upchurch read the letter outlining Ms. Grissom's past work pointing out she has been attending the meetings regularly and presenting some very good ideas. Mayor Upchurch indicated this committee has no set number. Ms. Cates moved that Marian Grissom be appointed to the Mayor's Committee on Services to the Handicapped. Her motion was seconded by Ms. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

SHELLY/SERTOMA PARK - BASKETBALL SLAB - TO BE INSTALLED; ADMINISTRATION TO DETERMINE LOCATION

Mr. Keller reported the Law and Finance Committee recommends that the Council uphold the approved Shelly/Sertoma Park Master Plan as it relates to the construction of a basketball slab. By split vote, the Committee recommends denying the request for funding of the basketball slab at this time and suggested that it go through the regular budget process. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton. Ms. Cates made a substitute motion that the Law and Finance Committee's recommendation be accepted, but the slab be built immediately and Administration asked to make a transfer of funds. Her substitute motion was seconded by Ms. Babb. Lengthy discussion took place with Mr. Congleton indicating his motion in committee was to deny the request for funding of the basketball slab at this time, but his motion did not include upholding the approved Shelly/Sertoma Master Plan. Discussion took place as to whether Ms. Cates' motion could be accepted as a amendment or a substitute. Lengthy discussion took place as to whether the motion as outlined in the Agenda was the motion made by Law and Finance Committee and on what has occurred on this item to date with Mr. Congleton indicating that in all of the discussion, he had not seen anyone address the need for the basketball slab and, in his opinion, the question is, "Is there really a need?". He stated we are talking about $10,000, but the big question that should be addressed is whether there is a need for the slab. Information presented by Bernadine Weddington on use of parks, how this issue can be handled and all the discussions that have gone on about the slab was discussed. Ms. Babb and Mr. Congleton voiced their philosophies on park needs and use of public facilities. Ms. Cates restated the motion indicating it could be considered a substitute or an amendment that the City Council approve the construction of the basketball slab according to the Master Plan at Shelly/Sertoma Park and Administration arrange for the transfer of appropriate funds. This motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mr. Congleton and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

Mr. Congleton moved that we relook at the location of the slab, pointing out even those who supported constructing the slab now questioned the exact location. He

requested that the exact location of the slab be referred to Administration. His motion was seconded by Mrs. Block. Mrs. Block pointed out the slab could be moved a few feet and save a number of trees. Ms. Cates questioned why this item came to Council anyway, pointing out there are transfers on the Agenda every meeting of over $10,000 and why this could not have been handled with a transfer and not come to Council. City Manager Benton indicated this request came in and it was something that was new and not funded in the Parks Capital Improvement Program. He indicated transfers on the Agenda are normally relative to on-going projects. The motion, as stated, was put to a vote and passed unanimously. City Manager Benton asked for clarification, pointing out, as he understands the motion, that the location was referred to Administration and Administration is to make a determination of the location and build the slab. He indicated, in response to questioning, there would be input from the various interests, but Administration would make the determination and build the slab.

PARKING - BOARD OF ADJUSTMENT REQUEST - REMOVED FROM THE AGENDA

Mr. Keller indicated the Law and Finance Committee was advised that shortly Administration would be bringing recommendations relative to parking studies in the downtown area; therefore, the committee recommends that this item be removed from the Agenda with no action taken. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-111-84 - CREEDMOOR ROAD TO BE PLACED ON NOVEMBER 20 AGENDA

Chairman Keller reported by split vote the Law and Finance Committee recommends approval of rezoning as requested; that is, that Parcel 4, County Tax Map 323, covering approximately 27 acres be rezoned from Residential-4 to Office and Institution-III. His motion was seconded by Mrs. Block and put to a vote with results as follows: Ayes - Walters, Congleton, Calloway, Babb; Noes - Keller, Cates, Block, Upchurch. The Mayor ruled the motion defeated.

Later in the meeting, Mayor Upchurch indicated, that when action was taken on rezoning Z-111-84, two of the Council members were discussing another item and they had wanted this rezoning case to be referred to committee. He indicated normally when a Council person requests that an item be referred to a committee as a courtesy, the Council agrees and maybe we would want to reopen discussion on this item. Mr. Keller stated, without changing his mind or his vote on the motion, he would move that the City Council reconsider the action to deny rezoning Z-111-84. His motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative except Ms. Cates and Mrs. Block who voted in the negative. The Mayor ruled the motion adopted. Mayor Upchurch suggested that rezoning Z-111-84 be placed on the next Agenda as a special item. Without objection, this was agreed to.

SUBDIVISION S-165-84 - LOT 189 BOYLAN HEIGHTS - DENIED; TO BE APPROVED AS A CONDOMINIUM PROJECT

Mr. Keller reported the Law and Finance Committee recommends that this subdivision be denied and further recommends that it be approved as a condominium project as recommended by staff. On behalf of the committee, he so moved. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-88-84 - HONEYCUTT CREEK ROAD - CONCEPT APPROVED; RIGHT-OF-WAY TO BE RESERVED CONDITIONALLY

Mr. Keller reported the Law and Finance Committee recommends approval of the realignment of the Northern Wake Expressway in the area of this proposed subdivision to include a 300-foot right-of-way which would be measured from the southern property line 300 feet into the property. The committee also recommends approval of the concept of this subdivision with the understanding the petitioner would come in with a design (showing the 300-foot reservation) to be approved by staff utilizing the present Residential zoning. It is understood that the 300-foot right-of-way would be reserved until the first Council meeting in July, 1985, to give the City Council an opportunity to make a decision in terms of acquisition either with City, State, or private business funds. The committee further recommends that the City approach the State with the following alternative for funding:

(1) State Purchase
(2) City/State Cost Sharing
(3) City Purchase of the Entire Right-of-Way
(4) Business Community Come Up with the Money to Reserve the Right-of-Way

On behalf of the committee, Mr. Keller moved the recommendations be upheld. His motion was seconded by Ms. Babb. Mrs. Block indicated she would like to see us start with requesting the State to purchase this right-of-way since it is a State system road, with Mr. Congleton indicating that would be fine, but pointed out we have been going that route and funds haven't been forthcoming. Ms. Cates indicated she agreed with asking the State to purchase it and if that doesn't happen, then we can ask them to come up with some other alternatives since it is a State road. Mr. Walters indicated the State has no intentions of purchasing the property and if that it is the only alternative we are going to include this motion, then we might as well

forget it. Mrs. Block made a substitute motion that the Law and Finance Committee's recommendation as written be amended and stop at the word "funds". (That would be deleting the last sentence and the four alternatives.) The substitute motion was seconded by Ms. Cates and put to a vote with results as follows: Ayes - Block, Cates, Upchurch, Calloway; Noes - Congleton, Babb, Keller, Walters. The Mayor ruled the motion defeated. The original motion was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SUBDIVISION S-89-84 - TIPPER WOODS - ALTERNATIVE ONE APPROVED; REZONING Z-90-83 - SIX FORKS ROAD - DENIED

Mr. Keller presented a map entitled, "Alternative One" relating to the Tipper Woods Subdivision pointing out this is a Residential-1 subdivision. He moved approval of Alternative One as the concept for this subdivision. His motion was seconded by Ms. Babb. The motion was put to a vote and resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Mrs. Block moved approval of rezoning application Z-90-83. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the negative. The Mayor ruled the motion defeated and the rezoning denied.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

SIDEWALK INSTALLATION - HYMETTUS WOODS - RESOLUTION OF INTENT ADOPTED; SIDEWALKS TO BE INSTALLED ON WEST SIDE OF DIXIE TRAIL WITH NO ASSESSMENT; VARIANCE IN SIDEBACK APPROVED

Mrs. Block reported the Public Works Committee recommended the adoption of a resolution of intent calling for a public hearing on December 4, 1984, to consider the installation of sidewalks on the east side of Dixie Trail from Wade Avenue to Churchill Road. The Committee further recommends the installation of sidewalks on the west side of Dixie Trail along the park property with no assessments. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 642

A RESOLUTION OF INTENT TO MAKE SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set our; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of sidewalks on the east side of Dixie Trail from Wade Avenue to Churchill Road.

Section 2. Sidewalk improvements shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a sidewalk shall be constructed on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6% per annum on any unpaid balance.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 5. That a public hearing on all matters covered by this resolution shall be held on Tuesday, December 4, 1984, in the Council Chamber, Municipal Building, Room 201, at 7:00 P.M., or as soon thereafter as the matter can be reached.

Adopted: November 6, 1984

City Manager Benton indicated there was a question concerning the funding for the installation of the sidewalks pointing out, it is anticipated that it would cost around $33,389 and we only have a little over $32,000 in the sidewalk funds; therefore, the additional $1,000+ would have to come from the Street Improvement Projects. He stated, as far as the right-of-way is concerned, the Engineering Department states, that on the east side, we have an eight foot right-of-way. In order to get the proper size sidewalk, the Council would need to approve a variance or an adjustment in the setback so that the sidewalks could be 3 to 3½ feet back of the curb, so that we would not have to acquire additional right-of-way. Mrs. Block moved the Council uphold the variance and the funding as outlined by Mr. Benton. His motion was seconded by Ms. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Ms. Cates indicated she had received a request about the cost of putting the sidewalks on the east side and on the west side and questioned if that information could be available at the public hearing with the City Manager Benton indicating that information is available now.

FARM PRODUCTS - SALE - PROCEDURE ADOPTED

Mrs. Block reported that Administration has developed in conjunction with the City Attorney's Office, revisions in the administrative procedure for selling farm products which will allow for more flexibility in marketing these products to get the best price for the crops. A copy of the revisions to this standard procedure was included in the Agenda packet. The Committee recommends that in accordance with the new procedure, the Public Utilities Department be authorized to periodically advertise for sale of agricultural products provided that no sale exceeds $5,000. This authorization which would need annual City Council approval is effective through June 30, 1985.

Mrs. Block indicated this is not in the procedure, but it is understood that the selling price will not be less than the published price on the Chicago grain or eastern North Carolina grain listed prices. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TRAFFIC - SCHOOL SPEED ZONE - NO CHANGES MADE

Mrs. Block indicated this item came about as a result of a school speed zone on Lynn Road and the particular question was handled at a previous meeting. She stated, at this point, the Public Works Committee recommends removal of this item from the Agenda, pointing out the committee determined that the present practices for establishing and administering school zone speed limits should be retained. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put a vote which passed unanimously. The Mayor ruled the motion adopted.

COMPREHENSIVE PLAN AMENDMENT - DURANT ROAD/FALLS OF NEUSE ROAD AREA - REMOVAL APPROVED

Mrs. Block reported the Public Works Committee recommends removal of the proposed collector street from the Comprehensive Plan (easternmost street as shown on the map to be available at the Council Meeting). The Committee was advised that the proposed western collector street is included in the Wake County approved subdivision of the Burke property and will be built according to State collector street standards (22 feet wide with no curbs and gutters). On behalf of the committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SUBDIVISION S-141-84 - J. W. YORK PROPERTY - APPROVED WITH CONDITIONS; COLLECTOR STREET PLAN - PUBLIC HEARING AUTHORIZED

Mrs. Block reported the Public Works Committee recommends that this request to subdivide 29.88 acres into 7 lots be approved according to a map entitled, "J. W. York Property," the property of J. W. York, drawn by John A. Edwards, dated September 4, 1984, with the condition that the City's Collector Street Plan be amended and that no occupancy permits be issued until that amendment is adopted. It is further recommended that the Collector Street Plan be amended by eliminating Yonkers Road as a collector street between U. S. 1 North and U. S. 64 East and that it be identified as a marginal access road, and that a public hearing be scheduled on December 4, 1984, for that purpose. On behalf of the committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Mr. Walters indicated he is going to vote against the motion, but pointed out he is not against it going to public hearing, but he is opposed to changing the Comprehensive Plan as it relates to Yonkers Road, as he feels it will be a Collector Street no matter what it is called. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-142-84 - MILNER INN PROPERTY - APPROVED

Mrs. Block reported the Public Works Committee recommends approval of this request to subdivide a 3.35 acre tract into 3 lots according to a map entitled, "Milner Inn Property," the property of E. R. Milner, drawn by John A. Edwards and Company, dated August 20, 1984. On behalf of the committee, she moved the recommendation be upheld.

Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

WATER BILL - 1314 WALNUT STREET - SEWER PORTION WAIVED; AMERSONS TO PAY REMAINDER IN MONTHLY INSTALLMENTS

Mrs. Block reported the Public Works Committee recommends waiving the sewer portion of the bill ($254) and that the Amersons be given an opportunity to pay the remainder of the bill ($370) in 12 monthly installments of $31. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATIONS OF THE COMPREHENSIVE PLANNING COMMITTEE

UNIVERSITY DISTRICT PLAN - PUBLIC HEARING AUTHORIZED FOR NOVEMBER 20

Chairperson Babb reported Council Members received in their Agenda packet a copy of the administrative version of the University District Plan as amended by the Committee. It is recommended that this plan be scheduled for public hearing. Also included in the Agenda packet, for information only, was the citizens' version of the University District Plan. Ms. Babb reported this public hearing would be on November 20, 1984. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CAPITAL ECONOMIC DEVELOPMENT CORPORATIONS

CAPITAL ECONOMIC DEVELOPMENT CORPORATION - CONTRACT - AMENDMENT APPROVED

Henry Brown, representing Capital Economic Development Corporation, was at the meeting indicating the Board requests that the City Council approve certain modifications to the contract whereby CEDCO administers certain economic development funds for the City. He presented the following prepared statement:

CEDCO was originally set up to serve as a SBA Certified Development Corporation and to encourage economic development in economically depressed East Raleigh; including Downtown. Under the original agreement, CEDCO could use the CDBH funds allocated by the City only for administrative costs and for its own program of interest subsidy. Under that latter program, CEDCO has approved 6 interest subsidy loans and closed 5. These have involved 4 small businesses. There have been no defaults.

CEDCO has also been issued its first SBA 503 commitment which involves a total loan in the amount of $600,000. This does not involve City Funds.

Thus, of the original $200,000 of CDBS funds originally allocated, some $178,000 remains.

Our experience has been that the SBA 503 program, while a useful tool, has only limited applicability to small and minority businesses located in the East Raleigh redevelopment area. We are thus proposing certain modifications to the Agreement, which will give the CEDCO Board more flexibility in serving that community and creating jobs.

1. The original Agreement, generally paralleled the area served by the downtown loan pool and, indeed, it was thought that CEDCO could supplement the DTLP for very small loans. In fact, there has been little demand for this program and we ask that the eligible area be changed to be defined as the current Community Development Area as defined in Attachment A to the new contract.

2. The proposed agreement adds a new service and that is direct loan guarantees up to $10,000 for qualified borrowers. The Board would screen qualified borrowers as to location, job creation and lack of ability to get conventional financing.

3. Eligible activities are being broadened to include working capital and acquisition of land or real estate.

4. The original agreement required that banks make their loans in conjunction with the interest subsidy program at prime rate. Unfortunately, this restriction makes these small business loans unattractive to the banks, and acts as a deterrent in implementing the program. Instead, the rate has been raised to a maximum limit of 3 points over the current prime rate.

City Manager Benton indicated Administration feels that these alternatives will give CEDCO more flexibility to meet the needs and Administration supports that. He explained, however, the 1982 agreement covered purchase of inventory for expansion and he does have some concerns about that. He stated, in addition, he feels that the office of Community Development should be responsible for monitoring the grant process to assure that the contract is being followed. He indicated, with information provided about inventories and with the condition that Community Development would monitor the grant process, Administration would recommend approval. In response to questioning, Mr. Brown indicated, in the original contract, they were to only cover the downtown area; however, with this amendment, they would be serving the Community Development area in full. Mr. Calloway questioned what procedure CEDCO

uses to advertise, with Mr. Brown pointing out presently they use public ads on radio, etc., as well as word of mouth. The number of requests and inquiries was discussed briefly. Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE TRANSIT AUTHORITY

TRANSIT AUTHORITY - SERVICE EXPANSION ON FALLS VILLAGE ROUTE - APPROVED

Council members were advised that the Transit Authority recommends that the City Council authorize the use of an estimated $800 in budgeted funds to provide for a minor service expansion on the Falls Village Transit route. This route presently consists of morning and afternoon commuter service with no mid-day service. The Transit Authority received and considered a request that the afternoon commuter service begin 30 minutes earlier. An analysis of the requested service by the Transit Authority revealed a significant demand for this service justifying its addition. The additional service would consist of one earlier bus leaving downtown in the afternoon originating at 3:10 as opposed to the early service which now begins at 3:40. There will be an additional cost and deficient estimate of $800 per year; however, the revenue and cost projections for the service are within the criteria established in the City Council policy on funding transit service. The FY 85 budgeted funds for transit operating costs appear to be more than sufficient to cover this minor increase in service. Mr. Congleton moved the recommendation of the Transit Authority be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE WORK SESSION

LAW ENFORCEMENT RETIREMENT PROGRAM - PENDING CHANGES - INFORMATION RECEIVED; RESOLUTION ADOPTED

Council members received in their Agenda packet a resolution setting out the City of Raleigh's concerns and stance on the Law Enforcement Officer's Retirement System. The resolution is recommended for adoption. Mayor Upchurch moved adoption of the resolution which was seconded by Mrs. Block. City Manager Benton explained this resolution had been presented at the North Carolina League meeting in Winston-Salem recently and briefly explained what the City of Raleigh had been able to get accomplished as it related to the North Carolina League position on LEO. He explained their position going to the League meeting and changes they agreed to, pointing out he will be giving out information to the Police staff as soon as possible. Brief discussion took place and the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 643

A RESOLUTION SETTING OUT THE CITY OF RALEIGH'S CONCERNS AND STANCE ON THE LAW ENFORCEMENT OFFICERS RETIREMENT SYSTEM.

WHEREAS, it was the General Assembly's decision to include municipal law enforcement officers in LEO at a higher rate of benefits since municipal officers are responsible for enforcing State laws it is felt that the State's role in funding the basic portion of LEO is a proper one; and

WHEREAS, the General Assembly recently enacted changes in the Law Enforcement Retirement System that changed the funding arrangements for this system; and

WHEREAS, these changes have received insufficient consideration and public discussion, the City of Raleigh feels there needs to be an opportunity for a thorough review by State and City officials and law enforcement officers; and

WHEREAS, it has been stated one of the intents of these changes is to lead to the merger of the LEO System and the Local Governmental Employee's Retirement System; and

WHEREAS, the City of Raleigh has concerns about this program and takes a position that strongly supports the interest of the City as a whole and the interest of our police officers.

NOW, THEREFORE, be it resolved by the City Council of the City of Raleigh:

Section 1. The City of Raleigh supports the reinstallment of State funding for the basic (employer) portion of LEO to the 1983 level.

Section 2. The City of Raleigh cannot support merger of the local and LEO system until extensive review of that proposal has been completed and cannot support any changes which would mean a reduction in benefit features for law enforcement officers.

Section 3. That the Raleigh City Council is opposed to reduction of retirement benefits of its police officers.

Adopted: 11/6/84

CLEAN COMMUNITY PROGRAM - REFERRED TO ADMINISTRATION TO REPORT TO INTERGOVERNMENTAL COMMITTEE

During Work Session, the Council received a report from the Appearance Commission on the Clean Community Program. It was recommended that the report be referred to Administration for evaluation and recommendation directly to the Intergovernmental Committee. Mrs. Block moved the recommendation of Work Session be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

BOARD OF ADJUSTMENT OPERATION - MEETING SCHEDULED FOR NOVEMBER 19 - ITEM HELD IN WORK SESSION

As a matter of information, City Council set a meeting on November 19 at 9:00 a.m. to discuss various concerns with the Board of Adjustment. The item is being held in Work Session for additional study. Without objection, the item was received as information.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

DOWNTOWN PARKING STUDY - ADMINISTRATION TO NEGOTIATE CONTRACT

Mayor Upchurch indicated, during the Downtown Committee meeting, the committee recommended that Administration be authorized to negotiate a contract with Kimley-Horne and Associates to undertake a comprehensive downtown parking study. He indicated Council members received, attached to their Agenda, a scope of services relating to this contract. On behalf of the committee, Mr. Upchurch moved the recommendation be upheld. His motion was seconded by Ms. Cates. Ms. Cates indicated she hoped that this parking study will address alternatives to parking and give the Council some creative ways in dealing with parking for businesses particularly in the downtown and fringe areas. The motion, as stated, was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CITY MARKET PROJECT - ACQUISITION QUESTION REFERRED TO REAL ESTATE COMMITTEE; BOND COUNSEL APPROVED CONDITIONALLY; ITEM RETAINED IN DOWNTOWN COMMITTEE

Mayor Upchurch indicated the committee recommends that the City Market Project, as it relates to acquisition, be referred to the Real Estate Committee with the understanding the overall item will remain in the Downtown Committee. City Manager Benton indicated we need to approve a bond counsel to handle the sell of redevelopment bonds. He indicated the City received four proposals that have been reviewed and Administration recommends the firm of Moore, Van Allen, Allen, and Thigpen be retained subject to review and approval by the developer. He indicated the bond council would be no cost to the City, but the City has to approve the bond council. Mayor Upchurch moved the recommendation of the committee and City Manager be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

DOWNTOWN COMMITTEE MEETING - INFORMATION RECEIVED

Mayor Upchurch reported as a matter of information, the Downtown Committee's next meeting will be held on Monday, December 3, 1984 at 9:00 a.m. rather than the regularly scheduled November 23 date. The item was received as information.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

CULTURAL ARTS ACTION PLAN - ADMINISTRATION TO NEGOTIATE CONTRACT

Pursuant to Council authorization, a process has been undertaken to select a consultant to provide a study which would aid in the development of a Cultural Arts Action Plan.

Included in Council Members' Agenda packet was a report which indicates the proposals reviewed and the recommendations.

The Arts Commission has also reviewed the proposals and desires to make a report to the City Council at this time.

Recommendation: That C. W. Shaver and Company, Inc., be selected as the consultant subject to Administration being able to negotiate an agreement which would be submitted to the Council for approval.

Waltye Rusulala, Chairman of the Arts Commission, indicated ten firms responded to the City's request for proposals and seven were screened for further review by two members of the Arts Commission Subcommittee along with Administration. The Arts Commission concurs with the recommendation of Administration.

Ms. Cates indicated she read the letter from C. W. Shaver and Company to Ms. Lorber and she was concerned about the second paragraph in which they proposed to focus the attention of this study on the development of programs and facilities for the performing arts rather than the visual arts. She indicated it was her understanding we were asking for a total arts plan, as she feels we need to know what facilities we have now that are being utilized for the visual arts, what our community centers are doing and what we can better do in terms of visual art and that would include craft,

pottery, etc. Assistant City Manager Wray indicated that information was included in C. W. Shaver and Company's letter to the City. He indicated the review team did interview the principle of this company and told him that the City did want an entire cultural arts plan, not just performing arts. He indicated that was made clear to the principle of the company. He indicated, in addition, the contract we would have will point out specifically that what the City wants is a board based cultural arts plan. Mr. Congleton moved that Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-245 - GLENWOOD AVENUE PROJECT - APPROVAL AMENDED

On September 18, 1984, the City Council approved PA-245, which deals with an 80,000 square foot office building on a 6.88 acre site at the intersection of Glenwood Avenue and Woman's Club Drive. Approval was conditioned upon the dedication of certain road rights-of-way on Woman's Club Drive and the approval of road construction plans prior to the issuance of any permits, which includes grading permits. The applicant has requested the issuance of a grading permit pending right-of-way negotiation and the completion of road construction plans. The applicant is attempting to procure this right-of-way, but acquisition in this unusual case may be so time consuming that site preparation and building construction could be significantly delayed under the current conditions. The applicant has also requested that the matter of right-of-way acquisition be referred to the Real Estate Committee for consideration in the event negotiations for dedication are unsuccessful.

Recommendation: It is recommended that PA-245 be amended to state that building permits be withheld until the right-of-way is procured and road construction plans are approved. It is also recommended that the matter of right-of-way acquisition be referred to the Real Estate Committee. This action will allow the applicant to proceed while consideration is given to alternatives of right-of-way procurement. Ms. Cates moved Administration's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

INDOOR TENNIS BUILDING - REFERRED TO LAW AND FINANCE COMMITTEE

The Parks and Recreation Advisory Board has reviewed a proposal for building a private, indoor tennis facility on City property and has recommended that the concept be explored further by Council. A report was in the Council Members' Agenda packet.

Recommendation: That this concept be referred to a Council committee to allow for further analysis and review by Council and administration. City Manager Benton indicated Administration has not been involved in this project and does not have a recommendation and that is why it is suggested that it go to a committee. Ms. Cates indicated she had been in on some of the Parks and Recreation Advisory Board discussions on this item and she to feels it needs to go to a committee and would move that the item be referred to Law and Finance Committee. Her motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative.

LANDFILL GAS RECOVERY PROJECT - REFERRED TO PUBLIC WORKS COMMITTEE

Pursuant to Council authorization, proposals have been received to recover gas from the City landfill. A report was included in the Council Member's Agenda packet.

Recommendation: That the firm, American Gas Recovery Corporation, be retained subject to an agreement being negotiated and submitted to Council for approval.

Public Works Director Baird, utilizing a slide presentation, went over the project in detail, Administration's recommendation, as well as how the evaluation of the firms' response was made. He indicated the Treasurer of American Gas Recovery Corporation was in the audience and would be glad to answer questions. In response to questioning, the Treasurer of American Gas Recovery Corporation indicated there have been 22 projects of this type in operation in the United States and 25 in the construction stage. He indicated what makes it economically feasible now is the cost of natural gas. He spoke briefly to the Staton Island Project and the production taken place at that site. Mayor Upchurch indicated he felt it would be good for this to go to a committee for review and without objection, would refer it to the Public Works Committee.

BID REQUEST - SALE OF SURPLUS EQUIPMENT - JOINT AWARD MADE

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on November 1, 1984, for surplus City equipment. Administration recommends the high bids as outlined below be awarded.

Item #	Vehicle #	Description	High Bidder	Amount
1	234	1976 Chev. Impala	Raleigh Auto Part	$464.00
2	108	1979 Chev. Impala	Riverside Auto Parts	600.00

3	181	1979 Chev. Impala	J. L. Hamm	593.00
4	126	1980 Chev. Impala	Woodside Motors	750.00
5	142	1980 Chev. Impala	Raleigh Auto Parts	794.00
6	159	1980 Chev. Impala	Raleigh Auto Parts	814.00
7,9,11-22		Chev. Impala	Police Motor Division	Lump Sum 15,700.00
8	194	1980 Chev. Impala	Woodside Motors	900.00
23	1733	1975 Chev. Vega	Martins Auto	177.50
24	1740	1976 Chev. Vega	Martins Auto	177.50
25	1744	1976 Chev. Vega	Martins Auto	177.50
26	1748	1972 Chev. Nova	Riverside Auto Parts	225.00
27	2446	1972 Chev. Nova	Riverside Auto Parts	210.00
28	3978	1972 Chev. Nova	Riverside Auto Parts	210.00
29	318	1970 Pontiac Grand Prix	Clara Lowery	500.00
30	2855	1973 Plymouth Station Wagon	William Hockaday	151.00
31	3102	1976 Plymouth Fury	Dale Tate	335.00
32	452	1977 Plymouth Fury	Larry Smith	375.00
33	453	1977 Plymouth Fury	Larry Smith	375.00
34	5401	1970 Plymouth Valiant	Martins Auto Parts	177.50
35	1749	1974 Plymouth Valiant	Riverside Auto Parts	250.00
36	1757	1974 Ford Pinto	L. L. Blallock	244.10
37	418	1974 Ford Pinto	Lewis Creech	255.00
38	420	1976 Fiat	L. L. Blallock	325.02
39	2397	1977 Cushman Scooter	Larry's Used Cars	501.00
40	2316	1974 Chev. Pickup ½ ton	Jim Lyon	800.00
41	2445	1975 Chev. Pickup ½ ton	Martins Auto Parts	525.50
42	2353	1977 Chev. Pickup ½ ton	City Auto Salvage	927.00
43	2720	1976 Chev. Pickup 3/4 ton	Jim Lyon	1100.00
44	3592	1973 Chev. 1 ton	Riverside Auto Parts	1250.00
45	3983	1975 Chev. Truck 1 ton	Riverside Auto Parts	1500.00
46	3359	1974 Chev. Utility 2 ton	Larry's Used Cars	1656.00
47	2322	1974 Chev. Truck 2 ton	Larry's Used Cars	2165.00
48	2398	1972 Ford Truck w/lift	Allied Equipment	1751.00
49	2352	1973 Ford Tractor Mower	William Coston	1888.00
50	1152	1979 Air Flow Mower	Jimmy Rogers	100.00
51	3293	1982 Topper Mower	Jordan Tree Service	15.00
52	3560	1972 Homelite Chain Saw	James Laughing	39.26
53	3566	1975 Homelite Chain Saw	Clara Lowery	25.00
54	3575	1979 Echo Chain Saw	Richard Walls	37.00
55		Echo Chain Saw	James Laughing	26.40
56		1 Lot Mobile Radios (21 ea.)	C. Y. Davis	262.60
57		1 Lot (230 ea.) Prestolite Spark Plugs	J. L. Hamm	32.80
58		1 Lot (6 ea.) Silver Beauty Wire Sets	Richard Walls	6.00
59		1 Lot (11 ea.) Thermostats		No Bid
60		Used Motor Oil/ Hydraulic Fluid in Bulk - Approximately 800 gal. per month. Contract period one year - Nov., 1984 thru Oct., 1985	Noble Oil	.27/gal.

Ms. Babb moved Administration's recommendation and the high bidders, as outlined, be awarded. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STORM DRAINAGE PROJECT - KINGS MILL VILLAGE - TO BE AWARDED CONDITIONALLY

City Manager Benton indicated bids for the storm drainage project in the Kings Mill Village were received on November 5. He indicated only two bids were received, but have not been opened. He stated, at this point, he would recommend that the City Council authorize opening of the two bids and also authorize awarding the low bid if it is under $30,000. He briefed explained the proposal. Mr. Walters moved the Manager's recommendation, as outlined, be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

MILLBROOK POOL DESIGN - ALTERNATE FOR DIVING WELL AUTHORIZED - FUNDS APPROPRIATED

At a previous meeting, Council approved the design criteria for the pool except for the diving well. It had been planned to review the pool bids for Lake Johnson and Longview before recommending whether to design a diving well at this site. However, we have to rebid this project.

If we are to stay on schedule, it is now necessary to decide whether to authorize the design of the diving well as a bid alternate. The added design cost is $6,200.

Recommendation: That the additional design work for the diving well be approved and handled as a bid alternate.

Mr. Congleton moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb. Mrs. Block pointed this is an added cost for design only. She pointed out we have been running over as it relates to budget in the other pool construction and she does not see how we can afford a diving well and questioned why we should pay to have one designed. City Manager Benton indicated his recommendation is for consistency, pointing out we are probably going to have a short fall of funding, but if we are ever going to have a diving well, it should be designed now. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative.

PERSONNEL ADJUSTMENTS - RECLASSIFICATIONS AND ADJUSTMENT IN POSITION ALLOCATIONS - REFERRED TO LAW AND FINANCE COMMITTEE

City Manager Benton indicated periodically Administration reviews various positions in the organization to ascertain if duties and responsibilities are consistent with salary levels. He indicated the Agenda includes a number of reclassifications which are recommended for approval by Council. He indicated, in addition, the City staff's efforts to implement a computer based geographic land record file is near implementation and additional personnel are required and the Agenda also outlines adjustments in position allocations and budgetary actions required to implement the adjustments in position allocation. Each recommendation was outlined in the Agenda.

Ms. Babb indicated she had looked at these and would like an opportunity to study them more carfully and she would ask that all of the items be referred to Law and Finance Committee and would so move. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ECONOMIC DEVELOPMENT - ROUND TABLE MEMBERSHIP APPROVED; CONCEPT OF FORM APPROVED; RENT FREE USE OF CIVIC CENTER - APPROVED

In previous discussions, Administration was requested to develop a proposed membership for a Raleigh Economic Development Round Table. In addition, a desire was expressed for a special program to provide an update on the economic development activities which have been approved by the City Council.

Included in the Council Members Agenda packet was material relating to the membership of the Round Table. It includes suggested individuals and has 10 positions which are open and which would be filled by Council selections.

Also included is a proposed program for a half-day Economic Development Forum to be held on November 30, 1984, at the Civic Center.

Recommendation: That the Council appoint the Economic Development Round Table membership and approve the concept of the forum to be held on November 30, 1984.

Discussion took place as to how to handle the appointments with it being pointed out Administration had suggested a membership structure and appointments as well as follows:

_____, Chairperson[1]

BUSINESS & INDUSTRY (13)	GOVERNMENT & EDUCATION (13)	CITIZEN & COMMUNITY (13)
[2]Jim Massengil, District Manager, CP&L	[2]Perry Safran (Marshall & Safran, Attorneys), Raleigh Planning Commission Member	[2]Howard Miller, past Chairperson, Raleigh Citizens Advisory Council

[2]Ron Stamey, Operations Manager, Southern Bell	[2]Purdie Anders Vice President for Development, St. Augustine's College	[2]Bob Brooks, State Department of Crime Control & Public Safety
[2]Barbara Bullard Page, Bern Bullard Industries	[2]Robert E. Powell, Associate Vice President for Continuing Education, Shaw University	[2]Robert R. Gardner, Regional Claims Attorney, Nationwide Insurance Company
[2]James R. Graham, Graham Mortgage Corporation	[2]Dr. Arthur Sullivan, Chairman, NCSU Landscape Architecture Department	[2]Pamela S. Michael
[2]Ben Taylor, Envirotek, Inc.	[3]Dr. Bruce R. Poulton, Chancellor, North Carolina State University	[2]Geoffrey H. Simmons, of Currie, Simmons, Pugh, & Joyner, Attorneys
[2]Larry Vinson, Equity & Investors Management Corporation	[3]Dr. Bruce Howell, President, Wake Technical College	[2]Carol Kimball Bunn, N. C. Public Utilities Staff
[2]John B. Harris Jr., State Bank of Raleigh	[3]Mary Gentry or designee, Wake County Board of Education	
[2]Dr. Barrett Kays, Kays & Associates		
[3]Pearson Stewart, Planner, Research Triangle Foundation of North Carolina	[3]Edmund Aycock or designee, Wake County Commissioners	
[3]Robert C. Wheeler, Vice President for Economic Development, Raleigh Chamber of Commerce	[3]Corman S. Drumm, Regional Industrial Development Representative for Triangle and surrounding counties, State Department of Commerce	
[3]Harry Eberly, Raleigh Chamber Vice-Chairman for Economic Development (President, Telex Computer Products)	[3]Future Secretary or designee, State Department of Administration (position to be held open)	
	[3]Scott Daugherty, Director, N.C. Small Business Development Technology Centers	
	[3]Future Executive Director, Downtown Raleigh Development Corporation (position to be held open)	
	[3]Cressie Thigpen, Secretary, Capital Economic Development Corporation (CEDCO)	

[1]Could be appointed by Mayor/Council or elected by Round Table members.

[2]Raleigh Tomorrow Task Force members interested in serving on Round Table.

[3]Representatives of agencies and organizations that were invited to name a representative pursuant to structure originally suggested to Council.

Administration also provided a list of persons interested in serving on the Raleigh Economic Development Round Table as follows:

Susan S. Carrow,
Carolina Securities Corporation

Steve Stroud,
Carolantic Realty

G. Smedes York,
York Construction Company

Fred P. Parker III,
Raleigh Arts Commission
(incoming Chairperson)

Carlton Midyette,
Appearance Commission Member

David King,
Greenway Commission Chairman

Carl D. Tharin,
Director of Resources,
CTL Ophthalmic Products, Inc.

Jane Patterson,
Current Secretary,
State Department of
Administration
(specifically requests citizen
position because she will leave
Secretary post in January)

Eleanor Weinel,
Wade CAC Chairperson

Sol Richman,
Six Forks CAC Chairperson

After discussion, it was agreed that the structure and suggested appointments, as well as the list of interested persons would be appointed and, in addition, Council members could make other suggestions. Suggestions were made as follows: Mr. Calloway suggested J. J. Samson, Mrs. Block suggested Dr. Debra Stewart, Margaret Riddle, and Dr. Mike Walden. Ms. Cates suggested Betty Brinkley. Mayor Upchurch suggested William L. Thompson.

Mrs. Block moved that the City Council suspend the rules and appoint by acclamation all names suggested thus far. Her motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Ms. Block moved that the outline and concept of the Raleigh Economic Development Form, as well as the rent free use of the Civic Center, be granted. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

During the night portion of the meeting, Ms. Cates suggested that Betty Ann Knudson be added as a member of the Raleigh Economic Development Round Table. Mrs. Block moved that Ms. Cates' suggestion be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PERRY CREEK PACKAGE TREATMENT PLANT - NO REPORT MADE

City Manager Benton indicated he had hoped to have a report concerning procedures for approving the operation of package treatment plants which have been previously approved in conjunctions with development in the Perry Creek area. He stated, however, he was not ready to make a report.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

None.

REPORT OF MAYOR AND COUNCIL MEMBERS

WORK SESSION - NOVEMBER 15 - CANCELLED; ANY ITEMS IN WORK SESSION TO BE DISCUSSED ON NOVEMBER 19

Mayor Upchurch indicated there is a Work Session scheduled for November 15. He pointed out he would be out of town and explained that the Council has a special Work Session with the Board of Adjustment on November 19. He indicated there are no items in Work Session that urgently need to be discussed other than possibly the Fletcher Park Master Plan. Ms. Cates indicated she would like to hold discussion on that item until we get the cultural arts plan. After brief discussion, by general consensus it was agreed to cancel the November 15 Work Session and any items pending in Work Session that need to be discussed could be discussed following the Board of Adjustment Work Session on November 19.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - SEMI-ANNUAL REPORT - REFERRED TO WORK SESSION

Mayor Upchurch indicated he had received a letter from the HRHRAC indicating they were ready to make their semi-annual report. Without objection, this item was referred to Work Session.

SOCCER LEAGUE NEWSLETTER - NO ACTION TAKEN

Mayor Upchurch indicated he had received a copy of the Soccer League newsletter that was sent out recently and they are saying that the City of Raleigh is the culprit for

participants having to pay the $20 fee. He questioned if the Council would like to discuss the item. By general consensus, the Council agreed that no discussion was needed or necessary.

ROAD BOND PROGRAM - DOT EMPLOYEES COMMENDED

Mr. Walters indicated he would like to publicly commend the people from the City's DOT who have pitched in and helped with the Road Bond issue campaign. He indicated these City employees were very efficient, prompt, and have helped tremendously with the Road Bond issue, and on behalf of the Council, he would publicly commend for their effort. Other Council members agreed.

SEWER PROBLEM - UNIVERSITY PARK AREA - REFERRED TO ADMINISTRATION

Ms. Cates indicated, at a recent University Park meeting, they discussed a sewer problem in the block of the electrical equipment company. She indicated she understood it was more than one problem and requested Administration to provide information on what is creating the problem and what is being done to try to solve it. The item was referred to Administration.

ZONING - TRANSFER OF DENSITY - COMMENTS RECEIVED

Ms. Cates indicated she keeps hearing discussions about transfer of density from one location to another location and she does not believe that we have a standard procedure on this. She stated she would like to see this referred to a committee to formalize. Mayor Upchurch indicated a sub-committee of the Planning Commission is considering this, therefore, no action was taken.

PUBLIC NUISANCE - 307 SOUTH TARBORO ROAD - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he had received a request from a Mrs. Little that he would like to refer to Administration. He indicated Mrs. Little alleges there is a possible public nuisance at 307 Tarboro Road. He explained the occupant at that address keeps collecting bits and pieces, storing and selling them, and they are now doing it on Sunday. He indicated they drive large trucks up in the yard, and he would just like Administration to look into the situation to determine if it is a public nuisance.

CAPITAL AREA TRANSIT BUSES - COMPLAINTS AT 904 COLEMAN STREET - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he received a call from a Mr. McCroy indicating there is a problem at 904 Coleman Street. He indicated Mr. McCroy has stated he had contacted the City's DOT about the problem which involves cracking of the inside walls at his mother's house, and he feels that the cracking of the wall are a result of CAT buses in the area. Without further discussion, the item was referred to Administration.

HOUSING - OVERCROWDING IN UNIVERSITY AREAS - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Calloway indicated he had a question of housing in and around colleges and universities in the City. He indicated, as he understands it, some of the colleges do not provide off-campus houses. He indicated he had received a call from officials at St. Augustine, as well as calls from the Vanderbilt area, pointing out the Vanderbilt area questions the use of residences for college students, indicating he understands some of the houses have eight to nine people sharing a house. He questioned if Administration or a committee could look at the housing code as it relates to use by college students rather than normal residential uses and would like some information on our policy regarding housing. City Manager Benton indicated this is a problem, pointing out presently our codes may prohibit "dormitories" in residential areas, but the code does allow a certain number of un-related people living in one house to constitute a family. He indicated he understands there is a problem, but he does not feel that presently we have the tools to deal with the problem and maybe it should be put in a committee to look at what we have and see if there is anyway to address these problems. Without further discussion, the item was referred to Public Works Committee.

OVERCROWDING IN PLACES OF ASSEMBLY - PROPOSED CHANGE TO BE FORWARDED TO THE GENERAL ASSEMBLY

Mrs. Block indicated on a number of occasions she had addressed the problem of overcrowding in places of assembly such as nightclubs, etc. She indicated she had asked the City Attorney to write a proposed change to be forwarded to the General Assembly to address this problem. She indicated presently if a person is convicted of overcrowding, they just pay a $50 fine and continue packing in the people, pointing out a few extra paying people in an establishment would cover the $50 fine. She presented Council members with a proposed act to amend GS 143-138(h). She suggested that the proposal, as written by the City Attorney, be changed to show a fine of $150 and that the proposal be forwarded to each of our elected officials to the next General Assembly explaining the City's concern. Her motion was seconded by Mr. Calloway and after brief discussion put to a vote which passed unanimously. The Mayor ruled the motion adopted.

INSPECTIONS - CONSERVATION OF WATER - REFERRED TO ADMINISTRATION

Mrs. Block indicated she has concerns about conservation of water and efforts the City has undertaken in this area. She indicated she had been advised that our plumbing code requires new construction to have small toilet tanks and shower heads that conserve water. She questioned if we are enforcing this through our City Inspections and Administration was asked to check and make sure that it is being enforced. Mr. Walters indicated it probably is being enforced, but most of the time people go in to a new house and change the shower heads so they can get ample water for showers. The item was referred to Administration.

SIDEWALK CONSTRUCTION - WADE AVENUE - TO BE INSTALLED

Mrs. Block indicated the Public Works Committee made a recommendation for a public hearing relative to installation of sidewalks near the Hymettus Woods property. She indicated she had received a letter from a citizen asking if the developer at Hymettus Woods would be required to put sidewalks in and was advised that they will. She stated, therefore, there would be a short strip along Wade Avenue without sidewalks and she would suggest that sidewalks be placed on Wade Avenue in this location so there would be sidewalks all around Hymettus Woods park. She moved that Administration be directed to accomplish this objective. Her motion was seconded by Ms. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

City Manager Benton indicated, as he understands it, this small portion of sidewalk would not be assessed and would have to be paid for from street improvement money with the Council agreeing.

PERSONNEL - ADMINISTRATION TO GIVE A STATUS REPORT ON LAID OFF EMPLOYEES

Ms. Babb indicated she would like for the City Manager to give her a report and update on the status of what happened to employees of CEDA and other Federal programs that have been discontinued and the employee laid off. She questioned if the City has a reduction in force policy. She stated if the City does have an official RIF policy, she would like to have a copy of it and she would also like to have an accounting of the people who have been phased out and many have been placed back into City employment. The item was referred to Administration.

CAC - COMMENTS RECEIVED

Ms. Babb indicated at some time in the past, she suggested it was time for the City Council to make an assessment of the CACs. She indicated this item was referred to the Law and Finance Committee, which has been very busy working on other items. She indicated there was a totally erroneous and inaccurate conclusion that her request that the matter be referred to committee was related to a particular case, stating that was not correct. She stated the kinds of concern she had is that she would like to look at how the CACs are functioning, if they are doing things that the Council wants to look at and study, what ways communication between the CAC and the Council could be better, etc. She indicated she is in total support of the CACs, but she wants them to be working on things that would be of assistance to the Council. Bernadine Weddington, new Chairperson of the RCAC, indicated they would like an opportunity to present periodic reports to the Council with all Council members agreeing that the RCAC should be allowed to make a report at any time they so chose. The comments were received.

TRAFFIC - EAST STREET - REFERRED TO ADMINISTRATION

Mr. Walters indicated sometime back the City Council adopted an ordinance prohibiting parking on sections of East Street. He indicated some of the neighbors are very concerned and they did not realize that this was occurring until the signs went up. He indicated he felt it was a mistake and asked Administration to reassess the issue. Without objection, the item was referred to administration.

REPORT OF CITY CLERK AND TREASURER

TAXES - REBATES AND/OR REFUNDS - RESOLUTION ADOPTED

Council Members received in their Agenda packet three resolutions relating to tax refunds and/or rebates. Adoption of the resolutions is recommended. Approval is also recommended for the listing, as submitted, by the Wake County Tax Supervisor for refunds made during September relating to clerical error purposes only. Mr. Keller moved adoption of the resolution and approval of listing as submitted. His motion was seconded by Mr. Congleton and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 644

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed by and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1984	Arbor Crest Apt.	01-1-5197847	$ 246.82	Error-Illegal Bill
1984	Barbour, Judith	07-2-5266551	33.06	Error-Illegal Bill
1984	Bass, Marie Thornton	01-2-5402761	31.59	Error-Illegal Bill
1984	Bryant, Barry Craig	01-2-5749138	27.69	Error-Illegal Bill
1984	Chianese, Paul A. & Carol M.	01-2-0048407	11.83	Error-Illegal Bill
1984	Consolidated Capital Properties III	01-1-5035289	142.38	Error-Illegal Bill
1984	Dean, Benjamin A. & Delayne W.	01-2-0021399	267.74	Error-Illegal Bill
1984	Dover Assoc.	01-1-5049154	50.61	Error-Illegal Bill
1984	Durham, James Douglas	15-2-5254893	131.47	Error-Illegal Bill
1984	Durham, James Douglas	01-2-5254890	93.60	Error-Illegal Bill
1984	Harris, Susan Lynn	01-2-5199826	18.20	Error-Illegal Bill
1984	Horne, Lewis Hearl	01-8-5264670	11.06	Error-Illegal Bill
1982	Innovative Design, Inc.	01-1-5197113	30.50	Error-Illegal Bill

Section 2. That the following requests for refund be denied:

YEAR	TAXPAYER	AMOUNT
1981	Barefoot, Robert A.	$74.57
1979	Barefoot, Robert A.	53.28

Section 3. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 11/6/84

STREET IMPROVEMENTS - PINEVIEW DRIVE - RESOLUTION OF INTENT ADOPTED

The City Clerk reported a petition signed by eight of thirteen property owners representing 58.89% has been received for the installation of curbs, gutters and drains, and paving on Pineview Drive from Garner Road to dead end. Brief discussion took place as to the location of Pineview Drive with Mrs. Block pointing out she knew of two Pineview Drives and this would make three. Mr. Calloway moved adoption of the resolution of intent as recommendation. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 647

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR, AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, there has been filed with the City Clerk and Treasurer of the City of Raleigh written petition hereinafter referred to, directed to the City Council, requesting the Council to make the respective improvements hereinafter described upon the street or streets, or parts thereof, hereinafter identified; and

WHEREAS, the City Clerk and Treasurer of the City of Raleigh has submitted said petitions to the City Council and has duly certified that the petition has been signed by a majority in number of the owners, or owners of a majority of all the lineal feet of frontage of the lands abutting upon the street or streets or parts thereof proposed in the petition to be improved, and that the petition is sufficient in all respects as required by Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, and pursuant to which the improvements have been petitioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended:

(a) Installation of curbs, gutters, drains and paving with a 1½ inch asphalt surface on a 5-inch stone base on Pineview Drive from Garner Road to dead end.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. Sidewalk improvements shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that sidewalks be constructed on one side and assessed against property abutting both sides.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10, of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rat of six percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the fourth day of December, 1984, at 7 p.m., or as soon thereafter as the matter can be reached, in the Council Chamber, Room 201, Municipal Building.

Adopted: November 6, 1984

ASSESSMENT ROLL 206 - SIX FORKS ROAD - ADOPTED

The City Clerk presented preliminary Sidewalk Assessment Roll 206. The Preliminary Assessment Roll is recommended for adoption which would set a public hearing to consider confirmation of costs for the installation of sidewalks on Six Forks Road. The public hearing would be December 4, 1984. Mr. Congleton moved adoption of the preliminary assessment roll as presented which would set a public hearing on December 4, 1984. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 648

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 206

WHEREAS, by Resolution No. 1979-950, 1982-921, 1982-958, 1983-205 adopted by the City Council on 6-19-79, 6-1-82, 7-6-82, 4-4-83, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on Six Forks Road, west side, from Wake Forest

Road to Coleridge Drive, and on east side from Coleridge Drive to Beltline; and on the east side from Dartmouth Road to Rowan Street.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and it hereby declared to be $37,286.97.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Lisa Ilene Real Estate Co.	1	0042328		Six Forks Rd.	$1,748.14
Capital Funds, Inc.	2	0111985	14	Six Forks Rd.	418.60
Crown Central Leasing Corp.	3	0111979	3	Six Forks Rd.	276.15
Capital Funds, Inc.	4	0111976	2	Six Forks Rd.	856.27
Statewide Stations, Inc.	5	0067027		Six Forks Rd.	612.50
Charles & Lucy Gaddy	6	0013196		Six Forks Rd.	698.25
Kamal & Adnam Ibrahim	7	0034518		Six Forks Rd.	812.10
Sunstates Anderson Plaza Assoc., Ltd.	8	0054141	2	Six Forks Rd.	354.55
Billy B. Wall & Wife	9	0073600	3A	117 Kipling Pl.	437.50
Woodrow D. Caudle & Wife	10	0012484	4A	113 Kipling Pl.	276.50
William & Jane Olsen III	11	0055241	23	116 Byron Pl.	507.95
David & Nancy Little	12	0103580	24	119 Bryon Pl.	892.85
Cecil K. Brooks	13	0008666	65	3201 Coleridge Dr.	465.50
Elizabeth S. Matthews	14	0044927	67	3200 Coleridge Dr.	919.62
Nina B. G. Bliss	15	0035353	74	3314 Milton Rd.	523.91
William G. Cooper	16	0014840	75	3320 Milton Rd.	822.50
Edward & Anne Steele	17	0067099	92	3412 Coleridge Dr.	568.57
Elizabeth W. Pickral	18	0055369	116	3411 Coleridge Dr.	395.15
W. Carl Hamner	19	0028085	115	3504 Wordsworth Pl.	402.50
Bobby L. & Betty Currin	20	0019374	114	3510 Wordsworth Pl.	577.50

Valentine Johnson	21	0036409	118	3611 Browning Pl.	306.95
Edwin & Josephine Patterson	22	0053414	117	3605 Browning Pl.	659.57
Joseph Carl Watson	23	0008687	124	3600 Browning Pl.	863.27
Carl G. Ferrell & Wife	24	0021945	100	3708 Rock Creek Dr.	721.00
Angelow N. Russos & Etal.	25	0061736	22	Six Forks Rd.	455.00
Buford & Lucy Dixon	26	0024871	23-24	Six Forks Rd.	490.00
John & Nancy Medlin	27	0037532	1	3726 Bellevue Rd.	441.89
Margaret B. Weeks & Pauline Bizzell	28	0075418	2	Six Forks Rd.	75.25
Capital City Plaza, Inc.	29	0011396	1	Six Forks Rd.	682.50
Jimmy W. Goldston	30	0025515	18-18A	Six Forks Rd.	574.00
J. G. Weaver	31	0075238		327 Six Forks Rd.	836.50
George & John Edgerton	32	0080673		Six Forks Rd.	437.50
R. N. & Kathleen Bass, Jr.	33	0004903		Six Forks Rd.	773.50
Margaret D. Bashford	34	0004799		Six Forks Rd.	1,998.22
Doris O. Reddish	35	0059186		111 Six Forks Rd.	483.00
Thomas & Merdice Hannon	36	0028185		Six Forks Rd.	348.53
Thomas & Merdice Hannon	37	0079350		109 Six Forks Rd.	350.00
Donald & Lula Paschal	38	0053314		3200 Six Forks Rd.	385.00
Charles A. Speed	39	0066320		3222 Six Forks Rd.	877.10
Ben R. Harward	40	0029227		3224 Six Forks Rd.	350.00
H. J. Little	41	0042350	12	3226 Six Forks Rd.	320.85
H. J. Little	42	0042349	11	3228 Six Forks Rd.	320.85
H. J. Little	43	0042348	10	3230 Six Forks Rd.	320.85
Ruby D. Dean	44	0017375		3300 Six Forks Rd.	402.50
Eleanor R. Hailey	45	0027561		3304-3312 Six Forks Rd.	381.50
Medical Dent. Office Investors, Ltd.	46	0045931		Six Forks Rd.	1,751.01

Stephens Center, Inc.	47	0067217		Six Forks Rd.	105.00
Capital City Investments	48	0021062		Six Forks Rd.	435.96
State Bank of Raleigh	49	0082885	40A	3701 Barrett Dr.	436.41
Algie & Clara Stephens	50	0067197		Six Forks Rd.	700.00
Bilbro Eure Dunlap & Blake	51	0115101	13	Six Forks Rd.	718.20
NC League of Savings Institutions, Inc.	52	0115100	12	Six Forks Rd.	437.50
Paul A. Fleming	53	0027153	11	Six Forks Rd.	528.40
D & K Investments	54	0031437	10	Six Forks Rd.	682.95
David R. Cockman & Fred J. Tucker	55	0031436	52	Six Forks Rd.	418.46
E. Samuel Simpson & Harrison Underwood III	56	0014379		Six Forks Rd.	928.55
IBM, Inc.	57	0034679		Six Forks Rd.	1,144.40
North Forks Rd.	58	0051349		4300 Six	1,371.30 Hills, Inc.
North Hills, Inc.	59	0051361		Six Forks Rd.	1,206.80

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying he assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 206 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 4th day of December, 1984, at 7:00 P.M. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made be this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina

Adopted: 11/6/84

MINUTES - OCTOBER 16 - APPROVED AS PRESENTED

The City Clerk indicated Council members received copies of the minutes of the October 16, 1984 Council meeting and joint hearing with the Planning Commission. There being no corrections, Mayor Upchurch announced the minutes approved as presented.

NIGHT MEETING - MS. BABB AND MR. CONGLETON EXCUSED

Ms. Babb and Mr. Congleton both indicated they needed to be at other commitments tonight and would like to be excused from the night portion of the meeting. After

brief discussion, by general consensus, both were excused from the night portion of the meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:45 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jb/a1/SP10

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, November 6, 1984 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 222 W. Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Babb - Absent and Excused
Mrs. Block
Mr. Calloway
Ms. Cates
Mr. Congleton - Absent and Excused
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order indicating Mr. Congleton and Ms. Babb were excused during the afternoon portion of the meeting. The following items were discussed.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

UNFIT BUILDING - 441 FOWLE STREET - REFERRED TO LAW AND FINANCE COMMITTEE

Housing Inspections Supervisor Bartholomew indicated on September 4, 1984, the Council adopted Ordinance 409 relating to 441 Fowle Street. He indicated that ordinance goes into effect November 8. He indicated the owner is in the process of trying to repair the house; therefore, he would suggest that the effective date be extended or the matter be referred to a committee as a holding action. Mr. Walters moved that Ordinance 1984-409 as it relates to 441 Fowle Street be referred to Law and Finance Committee. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PUBLIC NUISANCE COST CONFIRMATION - 701 JAMAICA DRIVE - REPEALING RESOLUTION ADOPTED

Housing Inspections Supervisor Bartholomew indicated Resolution 1982-861 confirmed cost for abating a public nuisance at 701 Jamaica Drive in the amount of $66. He indicated the property has changed names and there was a two day period that this public nuisance cost confirmation was not on the public record and the property was sold during that time. He indicated he had discussed this with the attorneys involved and other assessments and liens will be paid, but he does not feel the City can collect this. Therefore, he would suggest that this be repealed. Mr. Calloway moved Mr. Bartholomew's recommendation be upheld and a repealing resolution adopted. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-649

A RESOLUTION TO REPEAL A PORTION OF RESOLUTION 1982-861 RELATING TO 701 JAMAICA DRIVE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. That Resolution 1982-861 relating to 701 Jamaica Drive be repealed in its entirety. This repeals the cost of $66 for abating the public nuisance which is in the name of Clem Jones.

Section 2. That no other portion of Resolution 1982-861 be affected by this repealer.

Adopted. 11/6/84

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED; 618 SUNNYBROOK ROAD - WITHDRAWN

Mayor Upchurch indicated this was a hearing to consider adoption of a resolution confirming costs for abating nuisances as described below. The Mayor opened the hearing on each case:

1119 Holmes Street - Louella Upchurch - $119. No one asked to be heard.

2306 Stafford Avenue - Beryl O'Kelly Brooks - $99.00. No one asked to be heard.

1508 Gorman Street - Helen Massengill - $114. No one asked to be heard.

618 Sunnybrook Road - Will Thomas Bobbitt/Gladys Jones - $143. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn as the charges have been paid. Without objection, it was withdrawn.

Mr. Calloway moved adoption of a resolution confirming the charges for abating public nuisances at the three locations as outlined. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor

ruled the motion adopted.

RESOLUTION NO. 1984-650

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BIT IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Louella Upchurch	119 Holmes Street Lot 1, Block B-141, Map B-24 ID#0016384	$119.00
Beryl O'Kelly Brooks	2306 Stafford Avenue Lot 29, Block D-143, Map D-34 ID#0008636	99.00
Helen Massengill	1508 Gorman Street Lot 653, Map 549 ID#0044670	114.00

Section 3. That this resolution shall become effective November 6, 1984.

Adopted: November 6, 1984

UNFIT DWELLINGS - VARIOUS LOCATIONS - ORDINANCE ADOPTED; 1611 CROSS STREET - WITHDRAWN

This was a hearing to consider adoption of an ordinance declaring the dwellings unfit for human habitation. The Mayor opened the hearing on each case:

611 Jamaica Drive - Mark T. Staton. No one asked to be heard.

611 Cross Street - Carolyn G. Osgood. Housing Inspection Supervisor Bartholomew requested that this item be withdrawn from the Agenda as it is being repaired. Without objection, the item was withdrawn.

905 and 905½ East Lenior Street - Amos and Christianna B. Link. No one asked to heard. Mr. Bartholomew indicated he understands a CD loan is being requested; however, he has had no contact about it with the property owners.

441 Parnell Drive - Genadious and Sally Winston. No one asked to be heard.

2096 Woods Place - Verdie E. Laney. No one asked to be heard.

The Mayor closed the hearing. Ms. Cates moved adoption of an ordinance declaring the dwellings unfit as outlined. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-440

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Mark T. Staton	611 Jamaica Drive
Amos & Christianna B. Link	905 & 905½ East Lenoir Street
Genadious & Sally Winston	441 Parnell Drive
Verdie E. Laney	2906 Woods Place

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective November 6, 1984.

Adopted: November 6, 1984

STREET AND PUBLIC UTILITY PROJECTS - BENSON DRIVE - HEARING - RESOLUTION AUTHORIZING PROJECT ADOPTED

A hearing to consider the installation of curbs, gutters, drains, and paving 41 feet back-to-back on Benson Drive from Navaho Drive, north to existing paving with sidewalks to be installed on the east side and installation of approximately 1800 feet of 8-inch water main in the same location. Chief Engineer Thomas explained the project. Mayor Upchurch opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution directing the projects as advertised. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. *1984) 651

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and paving forty-one feet back-to-back with a two-inch asphalt surface on an eight-inch stone base on Benson Drive from Navaho Drive, north to the existing paving with sidewalks on the east side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one-half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: November 6, 1984

RESOLUTION NO. (1984) 652

A RESOLUTION TO DIRECT THAT THE WATER OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1984-12 - Installation of 1,800 feet ± of eight-inch water main beginning at Navaho Drive, northward along Benson Drive, extending to existing eight-inch water main.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: November 6, 1984

STREET CLOSING - PORTION OF NEW BERN AVENUE - CLOSED CONDITIONALLY

A hearing to consider the permanent closing of a portion of New Bern Avenue. The hearing is pursuant to resolution of intent, notification, and advertisement as required by law. Planning Director Chapman explained the location of the proposed closing. He indicated the reviewing agencies have recommended that the subject street be closed with the following conditions:

1. That a ten-foot easement be retained for access to an existing 6-inch gas line.
2. That a 20-foot utility easement be retained for access to a six-inch sanitary sewer line.
3. That an easement be retained for the Southern Bell conduit.

4. That a suitable solution be implemented by City Administration concerning an eight-inch water line located within the subject right-of-way.

The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution closing the street as advertised and with the conditions as outlined by the Planning Director. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 653

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF THE 200 BLOCK OF NEW BERN AVENUE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of the 200 Block of New Bern Avenue right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and engress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of New Bern Avenue be closed permanently as follows:

A portion of the 200 Block of New Bern Avenue between South Blount and South Person Streets beginning approximately 215 feet east of South Blount Street and extending eastward approximately 105 feet

CONDITIONS:

1. That 10-foot easement be retained for access to an existing 6-inch gas line.
2. That a 20-foot utility easement be retained for access to a 6-inch sanitary sewer line.
3. That a Southern Bell conduit easement be retained.
4. That a suitable solution be implemented by the City Administration concerning an 8-inch water line located within the subject right-of-way.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Effective: Upon completion of above conditions

TELECOMMUNICATIONS TOWER - 711 HILLSBOROUGH STREET - APPROVED SUBJECT TO APPLICANT MEETING ALL REQUIREMENTS - REFERRED TO ADMINISTRATION

This was a hearing to consider an application from the Mirlen Group to construction a 60-foot addition to an existing 60-foot telecommunications tower located at 711 Hillsborough Street. Planning Director Chapman explained in order to issue a special use permit, Council must find that the applicant has met 6 different conditions. He indicated the applicant has met five of the conditions, however, has not met the condition relating to the area adjoining street right-of-way and residential zoned lots to be landscaped within a 20-foot depth with one tree for every 40 feet of frontage. He indicated four trees have not been shown on the site plan and have not been provided for on the property. The applicant was not at the meeting with the City Clerk indicating the applicant was on the way to the meeting. The City Attorney indicated an applicant has to meet all requirements to get a permit. Mrs. Block questioned if Administration could work with the applicant to make sure all requirements were met. After brief discussion, by general consensus it was agreed to refer this item to Administration to be approved administratively if all of the conditions can be met.

COMMUNITY DEVELOPMENT - HEARING FOR PURPOSE OF ASSESSING ACTIVITIES DURING JULY 1, 1983 - JUNE 30, 1984 - HELD

This was a hearing for the purpose of assessing Community Development activities which were implemented during the period of July 1, 1984 to June 30, 1984. City Manager Benton indicated this allows for comments on the project, pointing out information is available on charts in the Council Chamber giving a synposis of the Community Development Program that has been implemented. Ersentine Leach indicated

this information has been taken to the three CACs in the CD area and those three chairpersons have reported to the RCAC. She indicated this involves the Central, South Central and North Central CACS. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:15 p.m.

Gail G. Smith
City Clerk

jb/a1/SP10